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The Causes and Character of the AMERICAN REVOLUTION

The Causes and Character of the AMERICAN REVOLUTION

BY

H. E. EGERTON

FELLOW OF ALL SOULS COLLEGE, OXFORD

SOMETIME BEIT PROFESSOR OF COLONIAL HISTORY, OXFORD

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PREFACE

With the coming of a Professor of American History to Oxford, increased attention will be paid, as is most necessary, to a branch of knowledge that has hitherto been too much neglected in England. But, in order to understand American history, it is necessary to know something of its colonial period, and of the Revolution with which that period culminated. Numerous as have been the books written in the United States on the American Revolution, British writers have, for the most part, avoided the subject. Lecky, it is true, in his *History of the Eighteenth Century*, dealt with the subject in a masterly manner, and Dr. Hunt, in the volume which he contributed to the *Political History of England*, put forward the English view so far as limitations of space allowed. But the one English author of repute who has made the subject his own by a series of volumes of singular power and charm, has, if one may venture to sit in judgement upon one's betters, approached the question so much from the standpoint of English party politics as seriously to impair the value of his work. It is not so much the conclusions that are at fault as the methods by which they are reached; so that there still seems room for an attempt to put forward, with however inferior capacities, a view of the subject which, whilst it inevitably represents a British, and not an American, attitude of mind, still approaches the subject without prejudices derived from the traditional struggles of English Whigs and Tories.

A further explanation needs to be made by whoever writes on the American Revolution. The triumph of that Revolution

lay not in what it destroyed—the work of destruction is never difficult—but in the fact that, from the ruins of the past, the same men who had won independence built up a stately constitutional fabric that has stood the test of time; and in spite of a few defects, that are, perhaps, the inevitable outcome of its strong points, has solved the problem of federal government in a manner that has no parallel in the history of man. The American Constitution, as it is, has been expounded once and for all by a great British historian and jurist whose name is a household word in the United States; and the history of its making belongs especially to American writers; so that here it will be enough to say that, if mention of this side of the subject is here altogether omitted, it is not from want of recognition of its supreme importance.

The following chapters contain the substance of some lectures given by me when Beit Professor of Colonial History at Oxford. I have laid especial stress upon the contemporary evidence in the *Reports of the Historical MSS. Commission*, because, however well these may be known to American historians, the latter, naturally, bring out most strongly the American point of view.

The Harmsworth Professor of American History, Dr. S. E. Morison, has most kindly read my proofs; and I am indebted to him for the correction of several mistakes or slips. It is hardly necessary to add that he is in no way responsible fc any opinions expressed in the course of the volume; though I venture to believe that on fundamentals we are not very widely at issue.

H. E. EGERTON.

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I

1775 - 1783

The Fundamental Causes

The American Revolution was, perhaps, the most important event in modern history. The French Revolution, no doubt, exercised a stronger influence upon subsequent political theory and practice; but, without the former, that revolution would have taken place at a different time and in a different manner; whilst, further, the American Revolution called into being a great nation-state, stretching from the east to the west of a vast continent, in which the experiment is being made of passing a miscellaneous collection of peoples of different types and tongues through the melting-pot of institutions and beliefs that were the inheritance of the two and a half millions that won their independence in the eighteenth century.

Considering all this, no question can be of more vital interest to those of us who belong to what remains of the British Empire or to those parts of it that have come into being since, than the question—why did the first British Empire come to an inglorious end? An apology may seem needed for dealing once more with a subject that one would expect to have become well worn. But, in fact, untiring as has been the attention paid by American historians to the period of the beginnings of the United States, on this side of the Atlantic there has been shown nothing like the same interest. And yet, however much they may meet on the common ground of respect for the original records, it is impossible that the American and the British investigator should approach the subject in precisely the same spirit; and it is obviously reasonable that the latter as well as the former should give expression

to his point of view. Fortunately the time when the thorns of prejudice blocked the path has passed away, and British inquirers have only to follow the example set to them by the more recent American historians. If, indeed, prejudice survives, we may respectfully maintain it is amongst those who regard the events in America from the angle of English party politics and to whom Benjamin Franklin and John Adams are mainly interesting as champions of the Whig tradition for which Burke and Chatham laboured in the British Parliament. Few more brilliant books have been written than the volumes of Sir George Trevelyan; but he would be a bold man who should claim for them philosophic impartiality.

What, then, were the causes of the American Revolution as seen from an independent standpoint? At the threshold two general views confront us, to neither of which is it possible to subscribe unreservedly. The first is that which has found eloquent expression in the language of an American woman historian, Mrs. Schuyler van Rensselaer:

'The Revolution began when the history of the colonies began. It was not, as some have tried to believe, an event that chanced to happen when it did, one that might have been avoided or long postponed. It was not a semi-accidental breach, a mere family quarrel which a small increase of good will on both sides might have permanently settled, a misunderstanding—even that word has been used—between a mother-country and adolescent offspring who might well have continued in healthy growth with herself. In fact, the American Revolution was not an event in the sense that such ideas about it presuppose. It was the culminating point of a long and slow evolution. For generations, on both sides of the sea, certain forces had been working under certain conditions towards an end which could not have been fundamentally different from the one we know. The real revolution which resulted in an armed revolt was a state of feeling or, as John Adams said, a state of opinion. And this mental attitude began unconsciously to shape itself when the first Dutch and

nglish settlers established themselves along the American eaboard.'[1]

We shall see as we go along how much of truth there is in ll this; but as a complete explanation of the facts it cannot e accepted.

Much more easily refuted is the other extreme view which egards the American Revolution as wholly caused by the folly r madness of two or three misguided British statesmen. ccording to this theory all was going well in the best of all ossible worlds till a minister was silly enough to take seriously he work for which, after all, he was receiving payment, and o read the American dispatches.[2] George Grenville's Stamp ct of 1765 and Charles Townshend's Tea Duty of 1767 thus ecame the disturbing factors in a situation which had been efore wholly satisfactory. It is enough to say that historians vho could hold this belief must have followed the example of hose they held up to admiration; and have carefully refrained rom dipping into the records of the past history. Otherwise hey would have recognized that, so far from former relations aving been satisfactory, continued causes of friction and rouble were always at work. So far from the policy of British statesmen having been one of masterly inactivity, it ad been one of constant interference; none the less galling ecause it generally found itself impotent. The British defeat n New York and Massachusetts over the question of securing fixed salary for the Governor was an object-lesson for the olonists that whoso ran might read. So far was the system f voluntary contributions from the individual colonies for mperial purposes from working satisfactorily that the break-own of the system had been the *raison d'être* of Franklin's cheme of American federation which had been accepted by

[1] *History of the City of New York in the Seventeenth Century*, 2 vols., 909, pp. vii–viii.

[2] Lord Albemarle, *Memoirs of the Marquis of Rockingham*, vol. i, p. 249.

the Albany Congress of 1754.[1] That the measures of 1765 and 1767 precipitated the crisis is obvious enough; but that the crisis must sooner or later have come, unless Great Britain had altered her whole way of looking at the colonies, seems equally certain.

It is in these last words that we may find the key of the riddle. The American colonies were lost because the nature of the relation between the Mother Country and her colonies remained unsolved, and was, perhaps, at the time insoluble. Professor Osgood of Columbia University was the first clearly to bring out this neglected fact. The colonies, we must remember, took their rise as plantations, commercial speculations started in the interests of private traders; and from this point of view it was reasonable enough that they should be regarded as sources of profit and gain. But, when the colony was a collection of Englishmen, who found themselves relegated by this view to a position of inferiority, it was inevitable that trouble should ensue; especially as the foundation of colonies like Massachusetts had had nothing to do with motives of gain. Consider the following passage which was written in 1726 by Martin Bladen, a member of the Board of Trade, to whom belongs the questionable distinction of having first proposed a tax upon stamps in America.[2]

'Every act of a dependent provincial government ought therefore to terminate in the advantage of the mother state unto whom it owes its being and protection in all its valuable privileges. Hence it follows that all advantageous projects or commercial gains in any colony which are truly prejudicial to and inconsistent with the interests of the mother state must be understood to be illegal and the practice of them unwarrantable, because they contradict the end for which the colony had a being and are incompatible with the terms on which the

[1] *Documents relating to the Col. Hist. of New York*, vol. vi, pp. 853–92.

[2] *Col. Rec. of North Carolina*, vol. ii, p. 635 (5 July 1726).

people claim both privileges and protection. . . . For such is the end of colonies, and if this use cannot be made of them it will be much better for the state to be without them.' [1]

We shall deal in another chapter with the economic side of the question; but we may note here the political pretensions thus set up. An English official cynically avows that the whole *raison d'être* of colonies is the benefit of the Mother Country. On the other hand it was a time-honoured principle of English colonization that Englishmen who went out to settle in a new country carried with them their rights of citizenship; and therefore could not legally be placed in a position of inferiority. As the Corcyraeans asserted in Thucydides, colonists were sent out not that they should become the subjects but that they should be the equals of those that were left behind. Moreover, the conditions of the problem were wholly different in the seventeenth century from what they afterwards became. Parliament for many years failed to establish the claim to deal with all imperial matters; and, at first, James I was able to withdraw some matters from its cognizance. But the attempt to substitute the Privy Council for Parliament as the ultimate authority for dealing with the colonies failed, though it is significant to find as late as 1731 Sir R. Walpole throwing objections in the way of an Act of Parliament to enable the Crown to grant a charter for the proposed colony of Georgia because 'he was not willing that the colonies shall depend

[1] *Col. Rec. of North Carolina*, vol. ii, pp. 626–7. The same Bladen, on the third reading of the Bill directed against the colonial hat-making industry, 'was for adding a clause which in the committee we rejected, viz. that if any person should be acquitted there of an accusation that he had transgressed the Act, that person should undergo a second trial in England. He said the juries in the colonies would not find a countryman of their own guilty, and that the colonies are running into all sorts of manufactures, which must be stopped' (*Hist. MSS. Comm., Egmont MSS. Diary of Lord Percival*, vol. i, p. 256, 1920).

on Parliament for their settlement, but merely on the Crown'.[1]

Still, with the growth of the powers of Parliament a new source of friction arose for the colonists; though it must be admitted that the English legislature confined itself, for the most part, to the subject of trade.

Such, then, was the situation evolved in the seventeenth century. The colonists acknowledged an indefinite allegiance to the Crown but otherwise showed a strong inclination to proceed upon independent lines. It must be remembered that the commercial aspect of the first American colony caused less attention to be paid to the political side of the subject. The Chartered Company had a democratic character at home, its affairs being regulated by the votes of the shareholders; it seemed only reasonable that the corporation set up in America should equally depend upon a popular basis. A popular Assembly could hardly be established until the first storms of the new life had been weathered; but it is of profound significance, as showing the nature of the government, that as early as 1619 such a body was called together. Moreover, it did not 'break out', as was wrongly alleged by Hutchinson, the historian of Massachusetts, but was duly summoned by the Governor according to the instructions he had received from England. From the first, however, there was a deep fissure between the views held by those in England and in America with regard to the province of the Assembly. The English view was that the colony was in the position of a corporation, with powers therefore similar to those of a town council or any body constituted for a particular object. The colonists, on the other hand, from the first refused to accept this theory and maintained that their assemblies stood to them in the same position as did the Parliament of England to that country. This theory found its most complete and logical expression in

[1] *Hist. MSS. Comm.*, *ibid.*, vol. i, p. 157.

Massachusetts, when it had been founded by voluntary settlement. Massachusetts had owed nothing to the help of the English Government. Its settlers were united in opposition to the principles championed by the Stuart kings. They were, to a large extent, men of education and means, and therefore more capable of considering questions of government than could be the poorer classes of emigrants. The attitude they took up was therefore of the greatest importance, and cast its shadow over the whole future relations of England and the colonies. The transference of the Massachusetts patent to America enabled the Company silently to transmute itself into a self-governing independent community. That it was not really democratic is true, in that it rigidly confined the franchise to members of the dominant Church; but, though this might be attended with danger in the process of time, it did not affect the immediate position of affairs, so far as relations with England were concerned. There being no royal governor in Massachusetts, the link with England seemed merely nominal. Assuredly the internal affairs of the colony were carried on without any regard to England or English public opinion. Consider what a paradox it was that while in England conformity to the Established Church was held obligatory, in a colony in nominal subordination to the English Crown, membership of the Church of England meant exclusion from civic rights. Massachusetts in 1641 and in 1652 calmly absorbed what were considered the proprietary provinces of New Hampshire and Maine, without vouchsafing any explanation to the English authorities. On one occasion, in 1643, Massachusetts practically went to war with the French, without consulting the Crown. When Connecticut became a separate colony from Massachusetts, it did not occur to either that England had also an interest in the question. Even when the form of government was modified by the establishment of a federation between the four colonies of

Massachusetts, Plymouth, Connecticut, and New Haven, the step was taken without leave being sought from England. It is true that the preamble of the articles of confederation spoke of the measure being in part necessitated by 'the sad distractions in England'; but considering the general reluctance they showed to admit any interference by the Mother Country, it is possible that this was merely a pretext. In 1646 it was solemnly affirmed by the great majority of the Court of Elders that by their Charter they had 'such full and ample power of choosing all officers, . . . of making all laws and rules of our obedience and of a full and final determination of all cases in the administration of justice, that no appeals or other ways of interrupting our proceedings do lie against us'.[1] Their allegiance only bound them to the laws of England, while they lived in England, 'for the laws of the Parliament of England reach no further, nor do the King's writs under the Great Seal go any further'.[2] Their dependence upon England lay in owing allegiance and fidelity. Such allegiance was shown by the 'erecting such a government as the patent prescribes, and subjecting ourselves to the laws here ordained by that government'.[3] In other words, their allegiance was confined to keeping within the four corners of their patent. As a matter of fact they were not too scrupulous in clinging to the letter of their Charter, when it suited their convenience for it to be altered. Thus, as we have already seen, although, under the Charter to the Massachusetts Company, an open Company was formed, of which any one might become a member by paying the subscription, the colonists, after their arrival in the colony, confined the franchise to members of the independent churches.

Massachusetts was the standing example of the lengths to which the claim for virtual independence might go, but

[1] *Winthrop's Journal* ('Original Narratives of Early American History'), vol. ii, p. 294. [2] *Ibid.*, p. 301. [3] *Ibid.*, p. 294.

throughout the early period of English colonization there was in all the colonies settled by Englishmen the same demand for autonomy in local concerns. Barbados was in great measure a royalist colony; as Clarendon tells us, it was principally inhabited by men who had retired thither only to be 'quiet and free from the noise and oppressions in England and without any ill thought towards the King', and yet we find the men of Barbados putting forth pretensions, which were worthy of the men of New England. According to a hostile critic the members of the Assembly called themselves the representatives of the island, but would, if allowed, become the sole power. Some of the people were affirmed to have a design to make Barbados a free state, and not run any fortune with England either in peace or war.[1] Such pretensions may have been occasioned by the bitterness of party feuds, the reflection of the Civil War in England; but the language in which such bitterness appears to have found expression is at least significant of the temper prevailing among colonists. To meet this smouldering sense of injustice, Colonel Modyford (who afterwards became Governor of Jamaica under Charles II), writing in 1652 to John Bradshaw, offered his advice how to preserve what had been gained and to enlarge the English dominions in the West Indies. The people of Barbados, he wrote, would delight to have the same form of government as England, and he suggested, although it might seem 'immodest', that two representatives should be chosen by the island to sit and vote in the English Parliament.[2] It was a time of constitutional experiments, and Modyford's suggestion appears to have received a favourable hearing, although no practical measures were taken to put the experiment in force. It is tempting to speculate what would have been the future of the British

[1] *Cal. of State Papers, Col. Series*, 1574–1660, p. 394.

[2] *Ibid.*, p. 373.

Empire, had imperial federation so early been realized. Instead, a very different theory of government prevailed, and the way remained open for those constant causes of friction and disputes which finally culminated in separation after a long war.

We find, then, from the outset of the English Colonial Empire two opposite theories struggling for predominance, and the Mother Country and the colonies were already found ranged on opposite sides. The whole controversy ultimately resolved into the question—did or did not the colonies form part of the realm of England? By the realm was usually meant England, Wales, and Berwick-on-Tweed; and the colonists steadily maintained, when they reflected on the matter, that they were outside this realm. What would have been the consequences had an able king boldly adopted this doctrine and recognized them as a new realm for which a third crown might have to be provided, it is impossible to say. Meanwhile, there seemed no plain answer to the question whether the English Constitution applied to the colonies on their foundation, or as they became developed, and if so, in what form and to what extent. Was the sovereignty of England over the colonies immediate and complete, or was such sovereignty as existed the outcome of compact? Were the colonies a fraction of a single consolidated state, or were they independent units, except so far as they had merged such independence in a federal union? So far as these last two questions were concerned, it is certain that there was no historical evidence of a compact ever having been made, and that no form of federation had in fact ever been evolved. The whole difficulty arose from the thousands of miles of sea which divided America from England.

It must be remembered that at first some form of control by England was a natural incident of settlement, and as such accepted by the colonists. When, however, it became necessary

o exert this sovereignty, the distance, to which I have already lluded, complicated the problem. Under the most favourable ircumstances it took full four months for a reply to be received n London to a dispatch sent to the colony. Moreover, the ircumstances of a new country were so different from those of England that it became necessary to limit the introduction of English laws by the proviso that they should be enforced, only as far as the circumstances of the colony allowed. By uch means an object-lesson was daily provided to show that he colonies were not altogether the same as the realm of England. English law might rank the corporate colonies as on the same footing as English municipal corporations, and he provinces as on the same footing as the English counties; but, owing to the state of things resulting from this one element of distance, the position of these colonies and provinces was in fact wholly different; and their assemblies came to compete rather with Parliament than with such minor local bodies.[1]

The Empire was then in theory a single consolidated state; but in practice it tended to become a kind of informal federation. So successful were the colonies in making good their claims to be treated as other than mere corporations or counties that it has been even supposed that English statesmen deliberately sanctioned this view of the matter. Thus Sir George Cornewall Lewis expressly affirmed that the Mother Country had not interfered systematically with their internal affairs; and that, with the exception of their external commercial relations, they had been allowed to enjoy practical independence.[2] Similarly Adam Smith declared that 'in everything

[1] For this account of the difficulty I have been greatly indebted to Professor Osgood's masterly work, *The American Colonies in the Seventeenth Century*, vol. iii, pp. 4–12.

[2] *On the Government of Dependencies*, ed. by Sir C. Lucas, 1891, p. 210.

except their foreign trade, the liberty of the English colonists to manage their own affairs their own way is complete'.[1] But the throwing open of the colonial records, by the publication of the colonial series of the Calendar of State papers, and of such publications as *Documents Relating to the Colonial History of New York*, has shown that such statements hardly represent the real truth. It is true that, in the long run, the colonies generally got their own way in internal concerns, but not without constant complaints and protests from the authorities in England, and it is by no means true to say that the home Government left the colonies alone except where questions of trade were concerned.

The nature of the legal connexion being from the first uncertain, there were special reasons why this uncertainty should produce dangerous results. Generally speaking, we may say that emigrants are fairly representative examples of the national type at home. The fact, indeed, that emigration, for the most part, takes place from amongst what are called the working classes helps, it is true, that advance of democracy which is so general a feature in new countries; but if you take a modern Canadian or Australian, although in some ways he may more resemble an American than he does his fellow countrymen at home, still there is no deep-seated difference of character between him and the Englishman at home. But in the seventeenth century the case was very different; at least so far as the important New England colonies were concerned. The Puritan type had its period of ascendancy in England; and then, from the reaction which followed the experiment of its extreme claims, seemed to perish; though we now know that it merely lay concealed ready under changed circumstances to blossom forth in the political nonconformity of a later age. But meanwhile no greater gulf could have been fixed between

[1] *The Wealth of Nations*, ed. by W. Playfair, 1805, vol. ii, p. 434.

national character than appeared to loom between the England of Charles II and the New England of the Independent Ministers. The New England settlers regarded themselves as brands saved from the burning, a precious remnant, a chosen people, to whom alone had been entrusted the preservation of the oracles of God. They may sometimes have condescended to use language which, if uttered by the profane, would have been held tinged with prevarication and deceit, but their real thoughts towards the home government were doubtless those of deep distrust and dislike. Governor John Endicott might write to the king, in 1661, comparing New England to Mephibosheth, and declaring that their witness was in heaven that they left not their country upon any dissatisfaction as to the constitution of the civil state; but the best comment on this was the very different form of civil state they had seen fit to establish; though, indeed, their first purpose had been to enjoy divine worship in a new country 'without the human mixtures'. It is true that New England committed no overt act of rebellion; but it might be answered that this was perhaps because it had attained its ends without there being any necessity for such overt act! The Puritan Commonwealth in fact joined issue with the king by denying the right of appeal, and with the Parliament by declaring the Navigation Act an infringement of chartered rights; but, if this were so, what was the meaning of their boasted allegiance?

Already, then, in the middle of the seventeenth century we find that the English at home and in the colonies were of wholly different types. The great body of the people at home represented a dumb inarticulate mass which was as yet undeveloped. The struggle for political and religious liberty had been a middle-class movement, as indeed the Puritan emigration was a middle-class movement, so far as its organization and active working were concerned. But in England, under

the stress of heavy taxation and dislike of military rule, the great majority of the middle classes, who had begun by sympathizing with the claims of the Parliament, were driven to approve the restoration of Charles II. It is certain that Monck, in gradually recognizing such restoration to be inevitable, rightly reflected the middle-class public opinion of the country. But in the New England colonies the Puritan settlers, to begin with, belonged to the more extreme wing of the party, to the Independents as opposed to the Presbyterians; while nothing happened in them to modify their original convictions. As the inevitable reaction against the enforced severity of morals took place in England, the moral repulsion in New England grew greater. It is almost inevitable that members of an oligarchy should stand high in their own conceit, and be subjected to the temptations of the Pharisee, but no one can deny that the form of government in Massachusetts was a virtual oligarchy, tending to become so more and more, as the shipping facilities of Boston brought thither a population which took little heed of Church membership. Moreover, unhappily the Englishmen, with whom the colonists were brought in contact, were too often not of such a kind as to enhance the credit of the national character. Incompatibility of temper between the partners could thus from the first have been counted upon as one promoting cause of possible future divorce.

But it may be said, after all, New England only represented a portion of the colonies. There was already from the first in Virginia, after the abolition of the Virginia Company, a royal government, to which discontented royalists resorted, during the triumph of the Parliamentary régime, just as the Puritans sought New England, while the star of the king was in the ascendant. There was Maryland, a colony founded by a Roman Catholic to give play to the principles of religious toleration, which was not likely to take a Puritan turn. Then, at a later

ate, there were the new colonies, the Carolinas, the Jerseys, nd Pennsylvania, which might still further restore the balance nd take from New England its position of pre-eminence. But ne striking feature in American history in colonial times is ne manner in which the New England spirit penetrated the ther colonies. To a great extent this was effected by actual nmigration. The New England people were always an active, ndefatigable race; their own country was by no means excep-onally fertile, and when they saw a chance of bettering their ortunes by moving, they showed great readiness so to do. irginia, it is true, sought to keep them out by enforcing upon nem uniformity with the Church of England; but the only esult of the prohibition was that they went to Maryland nstead, and were there able to secure for a time a majority gainst the party of the royalist governor. At a later date, hen the new colonies were founded, they owed not a little f their backbone to New England immigration. When New ngland was exposed to the full brunt of the French wars, ne strain upon her in blood and treasure was so serious that reat numbers were induced to take refuge in retirement to ther colonies where the rate of taxation was not so high, and ne risks of life were not so great. Such men, as a rule, better ducated and readier speakers than those already in the colony, ecame a powerful influence in colonial politics, and inevitably et the tone of colonial public thought. Governors are found gain and again deploring this tendency. It was by such means hat the cosmopolitan, perhaps somewhat cynical, public pinion of New York was found moving in line with the orthern colonies, and it is perhaps owing to this influence hat the combination of quiet Quakers and foreigners, who ad had no experience in Europe of party contests, was far rom bringing about in Pennsylvania that political peace, which ight have been expected. Moreover, apart from the work

of actual immigrants, the action of Massachusetts proved infectious, in that it set up a standard of colonial self-government to which other provinces looked as the ideal. In the last years which preceded the War of Independence we notice how the crisis was precipitated by the rivalry between Virginia and Massachusetts for the primacy in the assertion of American rights; but the same tendency was at work in a less striking manner from almost the first beginnings of the English colonial system.

This much, then, has perhaps been made good. That there were two opposed theories of government and that there were two opposed types of character. However vague and indefinite may have been the views under which the Empire was first started, if it was to conduce to the interests or to the greatness of England, it was inevitable that its distant portions should come into some relations with the Mother Country. I have shown that the theory of English public men, though it could hardly be realized in practice, was that the colonies had merely the rank of English counties and municipalities as political structures. It was never expressly explained what was the character of the colonial assemblies; but the opinion was sometimes held that they merely existed by sufferance, and might, in the interest of public policy, be altered or abrogated. If the supremacy of Parliament was once admitted, and trade legislation like the Navigation Acts seemed a standing witness to such supremacy, what room was there for these rival pretenders to the authority of legislatures? And yet the colonist might retort *solvitur ambulando*. Whatever might be held in theory, the fact remained that these assemblies were very much alive, and that, apart from any claims resting upon mere assertions of dignity, their work resembled far more that of the Parliament of states than of town or county councils. Hence there was always this constant cause of opposition; to the

colonist his Colonial Assembly was his Parliament, and he naturally felt inclined to resent the action of a Parliament separated by thousands of miles of sea, in which he was in no real sense represented. The difficulty was met in a curiously haphazard English fashion. The Imperial Parliament generally held its hands; but on certain subjects, which could not be shirked, it legislated for the colonies, by including the dominions within the purlieus of the statute. The colonists, on the other hand, remained on a wrong track, so far as this branch of the argument was concerned, by continually invoking the authority of charters, which were legal documents which might be modified or annulled either by Act of Parliament or by combined action of the courts and of the King in Council. It was necessary to go behind the charters to natural rights or to the necessity of things to make good the colonial claim. Nor need it be supposed that English interference was simply the result of official meddlesomeness, of the desire of unoccupied hands to do some mischief. On two questions at least, the question of trade and the question of war, some interference was inevitable, if the Empire was to possess any meaning. It was necessary to guard the trade interests of England in her colonies by the adoption of a consistent and far-reaching policy. It was further necessary when the danger from the French became serious, to organize the forces of the Empire for the purposes of common defence. The modern theory is that the Governor is the connecting link between the local interests of the province and the general interests of the Empire; but under the old system the position of the Governor was a very difficult one, being expected to carry on the executive powers of government, without the support of responsible officials; while in the chartered colonies there was not even a royal Governor, to act as a bridge between the two interests. That the case for so much amount of interference was recognized by most

people to be strong, was proved by the readiness with which Massachusetts, as a whole, accepted the appointment of the Governor by the Crown, under the New Charter of William and Mary.

Profoundly opposed as were the points of view of the Mother Country and the colonies, we must not exaggerate the cleavage. Men did not push arguments to their logical conclusions. The Tory historian Chalmers believed that from the first the New England colonies had complete independence in view; and some Americans have written as though English colonial policy was a long-drawn attempt to undermine colonial liberties. Such views of the history are in their way as erroneous as the one which regarded the two parties as filled with mutual goodwill and affection, till Grenville appeared upon the scene to turn the idyll into a tragedy. Meanwhile it is necessary to note that the first hundred years of colonial history witnessed a distinct strengthening of the powers of the central authority under the joint influence of trade and political considerations.

The political beliefs of the independent colony took a more opportunist tone under the influence of new social forces, and the Puritan character itself assumed a less grim and aggressive front. The triumph of the revolution in England brought to the fore men and interests much more congenial than had been the spendthrift courtiers of the Stuarts, and it might plausibly be maintained that, if the imperial connexion had survived under the past régime, there was far more hope for it under changed conditions. Moreover, common action against the French peril tended to bring closer the bonds of Empire; though unhappily the good effects of this were more than counterbalanced by the friction which resulted from the attempt to secure colonial contributions to the expenses of the wars; and from the unfriendly attitude of the English officers to the colonial militia. It is natural enough to find

a British politician like Lord Sandwich calling the Americans cowards, but the state of things was indeed deplorable when to a great man like Wolfe the Americans had seemed 'in general the dirtiest, most contemptible, cowardly dogs that you can conceive. There is no depending upon 'em in action. They fall down dead in their own dirt and desert by battalions, officers and all'[1]; and when James Murray, who had done excellent service for the Empire in Canada, both in a military and a civil capacity, could describe in 1775 the native American as 'an effeminate thing, very unfit for and very impatient of war'.[2] While, then, the general trend was for the imperial control to be tightened, the underlying antagonism was never really healed. The extreme view of colonial rights lay dormant, ready to be revived at a suitable moment, and the national character of the people of the two continents remained as distinct as ever.

An active cause of such difference was the very slight emigration which took place from England to America. When once the first overflow to New England had dried up, owing to the triumph of the parliamentary party in England, emigration for the time almost ceased; and, instead, there was some return to England of those who had emigrated. The Stuart restoration appears to have caused much less emigration to America of men discontented with the political situation at home than might have been expected. The new colonies brought about a certain amount of English settlement, but as a general rule the circumstances under which such men were forced to emigrate were not such as to arouse strong feelings of patriotism, or to make them active missionaries of the Empire in their new home. The custom prevailing in the southern colonies of sending home young

[1] *Hist. MSS. Comm., Stopford-Sackville MSS.*, vol. ii, p. 266.
[2] *Ibid.*, vol. i, p. 371.

men to be educated in the English Universities must have had some good result from the point of view of the English connexion; but the times were so prosaic and dull that the sentimental side of things was generally completely neglected. The famous passage wherein Peter Kalm, a Swedish man of science writing about 1748, prophesied the future independence of the colonies, has been often quoted. After noting the trade restrictions under which the colonists suffered, he goes on:

'These and some other restrictions occasion the inhabitants of the English colonies to grow less tender towards their Mother Country. This coldness is kept up by many foreigners, such as Germans, Dutch and French, settled here and living among the English, who commonly have no particular attachment to old England; add to this likewise that many people can never be contented with their possessions, though they be ever so great, and will always be desirous of getting more, and of enjoying the pleasure which arises from changing; and their over great liberty and their money often lead them to licentiousness.

'I have been told by Englishmen, and not only by such as were born in America, but even by such as came from Europe, that the English colonies in North America in the space of thirty or fifty years would be able to form a state by themselves entirely independent of old England. But as the whole country which lies along the seashore is unguarded, and on the land side is harassed by the French, in times of war these dangerous neighbours are sufficient to prevent the connexion of the colonies with their Mother Country from being quite broken off. The English government has therefore reason to consider the French in North America as the best means of keeping the colonies in their due submission.'[1]

It is not safe of course to make too much of this opinion, though it is to be noted that the Speaker of the British House of Commons told Queen Caroline in 1733: ''Tis to be feared

[1] *Travels*, vol. i, pp. 262–5.

they (the New England colonies) will one day withdraw their allegiance, growing so headstrong.'[1] Other observers arrived at a different conclusion. The writer of a book, *The Importance of the British Plantations in America to this Country*, published in 1731, declared that he had lived and traded about fourteen years in those parts and was persuaded that if disaffection and general discontent should appear in the Empire, the people in the plantations would be the last of all the king's subjects to be deservedly charged with either. But when all allowances have been made for possible exaggeration, it seems clear that both from the nature of the problem and the character of the people concerned, a situation had come about which required very careful handling and much discretion and tact. What was in fact the form of treatment applied will be dealt with later.

As we have seen, at the root of the whole difficulty lay the physical fact of distance. The colony was separated by thousands of miles of sea; hence a distinct subordinate form of government became necessary; but that it should be subordinate implied a sting, which a proud people was quick to resent. The colony was separated by thousands of miles of sea; hence a new environment kept alive features of national character which had been superseded in the Mother Country, or else promoted the development of new qualities. Colonial circumstances occasioned that the Assemblies, whether or not genuine Parliaments, were really representative bodies, reflecting the opinions of the communities in which they had been established. Not merely, then, were the individual characters of the two peoples opposed; not merely were their theories of government at issue, but also the institutions, through which such antagonism worked, represented different stages of development. Democratic government may or may not be

[1] *Hist. MSS. Comm., Egmont MSS., Diary of Lord Percival*, vol. i, p. 288.

the last word of wisdom, but at least the general trend in the development of the Western peoples has been in its direction, so that the mere fact that the colonial assemblies were more democratic in character than was the British Parliament would generally be taken to show their superiority in the scale of political evolution. In this state of things what wonder if the supremacy of the British Parliament excited active resentment, and that abstract arguments were quickened by the sense of personal grievance? If, then, it be asked why Great Britain lost her American colonies, at the outset of the answer must be the reason that democracies found themselves wedded to the oligarchical system of Great Britain in a union which did not allow of real equality, and which yet made any form of subordination seem unnatural and unfair. To recognize abstract equality and yet to evolve a theory, which made political and economic subordination the whole *raison d'être* of the colonial system; to sow profusely the dragon's teeth of democracies, and then to endeavour to check them by the weakest and clumsiest applications of aristocratic government, such was the colonial policy, which men have gone out of their way to extol. Whether a different policy was possible; whether a real union might have been formed amongst the scattered portions of the Empire on a basis of real equality, it is difficult to say. But at least we can realize the difficulty of the problem, and the unfairness to put on the shoulders of one or two misguided British statesmen the whole responsibility for a dilemma, which was as old as the Empire itself, and which was the outcome of tendencies that had been at work ever since a Colonial Assembly was started at Jamestown, and the Charter of Massachusetts removed to American soil.

Whilst, however, we recognize that these fundamental causes were at work, almost inevitably leading the way to separation, it does not follow that we should ignore the immediate causes

that hurried on the crisis. But, before dealing with these, it is desirable to say something of the administrative and economic background, without some understanding of which the issues at stake must seem incomprehensible.

2

The Administrative Background in the Seventeenth and Eighteenth Centuries

We have seen the two great dangers which from the beginning menaced the first British Empire. The theories of government held by statesmen in England and by the people themselves were broadly opposed and the national characteristics of the population in the two hemispheres were at bottom antagonistic. In this situation there was the need for the highest statesmanship, if friendly relations were to be maintained between the two parties. It is, however, unfortunately a most undoubted fact that English statesmanship was such as greatly to contribute to the final disaster.

In order to make good this statement it is necessary to sketch in outline the form of government with regard to the colonies maintained by England. The general result will be to show that in the seventeenth century it was not so much the system as the men who sometimes worked it which was at fault. The English colonies had owed their birth to private enterprise, and much could of course be said for the policy of leaving men placed in such different surroundings and with whom communication was so difficult as far as possible alone. It may be asked: Why should not a kind of system of friendly alliances have been possible, such as are in fact the relations between the Mother Country and the great self-governing dominions at the present day? The very vagueness of the tie might

have tended towards its permanence. But there were certain obstacles in the way of such a system. In the first place it would hardly have made possible that direct commercial profit which, as we have seen, was in the opinion of the day the *raison d'être* of a colonial empire. In this respect the present Empire stands on a wholly different footing. Having once adopted the gospel of free trade, Great Britain abandoned the idea of direct pecuniary profit from the existence of colonies, though the welcome given to the preference accorded by Canada and afterwards by other colonies shows that in ways, which would have been inconceivable to a former generation, the existence of a colonial empire may be still a source of economic benefit. To each generation belongs its modes of belief; and to the seventeenth and eighteenth centuries it was impossible to conceive of colonies which did not directly minister to the Mother Country's wealth. The influence of the mercantile system in weakening the ties of empire by opposing material to imperial interests will be separately treated. All that is emphasized here is that the very existence of that system made impossible such a theory and practice of empire as should concede to the colonies absolute autonomy to the prejudice of English interests. In the second place, apart from trade interests, by the end of the seventeenth century the political situation in America required that the English forces should be properly organized to resist the French peril. It is true that the English Government never succeeded in effecting such organization, but the attempts at it explained and justified interference, which would otherwise have been most impolitic.

The case, then, for imperial control being admitted, the question remains: How was that control exercised? and here the answer must be that the manner of its enforcement was without doubt a direct contributing cause of the American

Revolution. 'Granted that some kind of interference was inevitable, the business of the Home Government should have been to see that it interfered as little as possible; but that when it became necessary it should always intervene with success. Patience coupled with firmness was essential; whereas the English Government was for the most part both impatient and weak. The fundamental fault of English policy was not that it was either too interfering or too neglectful; but that it was neither the one nor the other on any definite or comprehensive plan. It was this haphazard character of English policy which deserves our condemnation, whatever be our views on general politics. As perhaps the most glaring and conspicuous instance of this fatuous uncertainty of aim, recall the words of King Charles I's Proclamation of 1625 and then remember that three years later a Charter was given to a company which was held to be legally removable to America, by which means a practically independent community was set up by the Crown's own action. Nothing could have been less ambiguous than the language of the proclamation. 'Our full resolution is', it was affirmed, 'that there may be one uniform course of government in and through our whole Monarchy; that the government of the colony of Virginia should immediately depend upon ourself and not be committed to any company or corporation, to whom it may be proper to trust matters of trade and commerce, but cannot be fit or safe to communicate the ordering of state affairs, be they never of so mean consequence.'[1]

Such was the theory of the Government; but if this direct control was to be really attempted, what madness it was to allow the establishment of Massachusetts which represented the very opposite pole of thought on colonial questions. English policy was always to allow the horse to be stolen, and

[1] E. Hazard, *Hist. Collections*, vol. i, p. 203.

then to make frantic efforts to lock the stable door when it was too late. As an example of the muddle-headedness which prevailed, consider the attitude of the Home Government towards the emigration of Puritans. Two opposite views were both plausible and could be defended with sound arguments. It might be said that it was an excellent thing for the Mother Country to be purged of its most unruly members; and that by encouraging the growth of colonies, which would benefit English manufactures and shipping, the English Government were killing two birds with one stone, affording a safety-valve to dissent and adding to the resources of the Empire. On the other hand, it might be contended that the simultaneous exodus of men filled with dislike of the English Church and Government might be a real source of danger in the future; and should have been checked by every means open to the Government. Either of these views, from the standpoint of the English Government, might have much to say for itself; but what cannot be justified is the half-hearted attitude of the English Government, willing to wound and yet afraid to strike.

The criticism to which the colonial policy of the first Stuarts was open cannot, I think, be brought against that of the Commonwealth which succeeded them. A great number of the Parliamentary leaders had been in New England and were well aware of the importance of the colonies; but they were naturally anxious to keep on good terms with their friends in America, so that the task of reconciling imperial and local interests was by no means easy. At the same time the importance acquired by Parliament made it a more dangerous enemy than had been the Crown to views of independence; and its supremacy was never yielded in theory. The Act of 1650 which prohibited trade with Barbados, Antigua, the Bermudas, and Virginia was in the nature of things of a temporary character; but the claim put forward in its preamble was

general and wide-reaching. 'Whereas', it said, 'the islands and other places in America, where the English are planted, are and ought to be subject to and dependent upon England, and ever since the planting thereof have both been and ought to be subject to such laws, orders, and regulations as are and shall be made by the Parliament.' Although in some ways the colonies were allowed greater independence during the Commonwealth than they had previously possessed, upon the whole the general trend of events was towards a more systematic and aggressive colonial policy. The material energy which had made possible the revolution found also an outlet in colonial and maritime undertakings. Cromwell, as the inheritor of the Elizabethan tradition, seemed destined to carry further the work of his predecessors in the humbling of Spain and in the substitution of England as the first colonial power. But the situation had grown too complicated for the mere continuance of the Elizabethan traditions, and now the Netherlands, which as the enemy of Spain had been England's natural ally, under the stress of commercial competition became its chief enemy. The first Dutch war probably caused Cromwell considerable heart-burnings; but it had its justification from the point of view of commercial rivalry.

So far as colonial policy was concerned, the Restoration of Charles II involved no change in principles. Soon after the conquest of Jamaica in 1655 Thomas Povey, who was afterwards a member of the Council for Trade and Plantations, had submitted proposals to Cromwell which involved the creation of a council for America whose membership should include at least one principal Councillor and a Secretary of State. It would seem that the fault of the Restoration statesmen lay not with their general proposals, but in the careless manner in which very often difficulties were postponed and shirked. During the first years of the Restoration Clarendon was the

inspirer of English policy, and according to his own statement, made after his fall from power, at Charles's return and before 'he had used all the endeavours he could to prepare and dispose the King to a great esteem of his plantations, and to encourage the improvement of them by all the ways that could reasonably be proposed to him. And he had been confirmed in that opinion and desire as soon as he had a view of the entries in the Customs House, by which he found what a great revenue accrued to the Crown from the plantations, inasmuch as the receipts from them had in a measure repaired the diminution and decrease of the customs, which the late troubles had brought upon other parts of trade from what it had formerly yielded.' [1]

Upon the Restoration a Committee of the Privy Council was at once appointed to deal with trade and foreign plantations. Side by side with this committee two separate bodies were instituted, known as the Council for Foreign Plantations and the Council of Trade. The former consisted of forty-six members, including Clarendon and the principal officers of state, and ten of its members were merchants. The council was appointed on the ground that so many recent colonies and governments, so many ways considerable to our Crown, should be brought under a uniform inspection and conduct for their future regulation, security, and improvements. By its commission it was authorized to settle and dispose of all matters relating to the good government, improvement, and management of the plantations; but in fact it remained a merely advisory body; the power to act resting with the Privy Council.[2] The great blot on the Restoration colonial policy,

[1] *Life of Lord Clarendon*, Oxford, ed. 1827, vol. iii. See also *Colonial Administration under Lord Clarendon*, by P. L. Kaye, Johns Hopkins Univ. Studies, 1905.

[2] The leading authority on the subject is *British Committees, Commis-*

which set on foot a bad precedent and was a main contributing cause of the future troubles, was the jobbery and corruption which were too often employed. English administration under the Stuarts was a conspicuous proof that men do not move by the intellect alone. So far as intellect was concerned, it may probably be regarded as a golden age. It was the want of the ballast of ordinary integrity and humdrum honesty in most public men that shipwrecked the best-laid plans for improvement. Perhaps the most conspicuous instance of the reckless prodigality which, breaking in upon the general line of policy, turned it to misfortune and disaster was the extraordinary grant by Charles II in February 1672 of the whole of Virginia to two favourites, Lord Arlington and Lord Culpepper.[1] It is true that the Patentees resigned their Charter to the Crown,[2] but what is to be said for the policy which appointed Culpepper, the recipient of the royal bounty at the colonists' expense, in 1679 the Governor of Virginia? What use was it that his instructions appear to have been considered with extreme care [3] when the instrument chosen to carry them out was wholly unworthy? Culpepper's only interest in Virginia lay in the enforcement of his own private claims, and his cool abandonment of his province for the joys of England wore out the patience of the English authorities so that he was summarily dismissed. But what an ugly light does the whole transaction throw on the wisdom and good sense of English statesmanship. One must remember that at the start Virginia was from the Stuart standpoint a model province. It was at first royalist to the backbone; and though under the stress of economic interests a colonial democracy developed, it was

sions, and Councils of Trade and Plantations, by C. M. Andrews, Johns Hopkins Univ. Studies, 1908.

[1] *Cal. of State Papers, Col. Series*, 1669–74, p. 334.

[2] *Ibid.*

[3] *Ibid.*, 1681–5, p. 188.

the conduct of the English authorities which gave strength to its opposition.

For one feature of colonial life which must have added greatly to the difficulties of the situation, the Home Government was assuredly directly responsible. From the first starting of the colony there had been frequent complaints of the practice employed by the home authorities of making it a receptacle for convicted felons. It was not unusual for a convict to be discharged from prison on giving security for his or her transportation to Virginia or some other colony. In April 1670 we find an order of the General Court of Legislature of Virginia held at James City, which set forth the danger to the colony caused by the great number of felons and other desperate villains who were sent over from the prisons in England. It was said that the horror yet remained of the barbarous designs of those villains who in September 1663 attempted the subversion of our religion, laws, liberties, rights, and privileges. The landing of any jail-birds was therefore prohibited from and after the 20th of January next upon pain of the shipper being obliged to carry them to some other country.[1] This order was confirmed by the English Government, and the Secretary of the province, in thanking it for such confirmation, added that the safety of the country depended upon the continuance of it, so many insolent villanies having been committed by men of that sort that greater numbers would hazard its peace.[2] Even here there was another side to the shield in this unsavoury matter. There is in the Calendar of State Papers a letter of 17th June 1671 from one William Sherwood to the Secretary of State, Joseph Williamson. The letter is endorsed by Williamson 'one of those that robbed

[1] *Economic Hist. of Virginia in the Seventeenth Century*, by P. A. Bruce, 1907, vol. i, p. 605.

[2] *Cal. of State Papers, Col. Series*, 1669–74, p. 242.

me whom I saved',[1] and it shows that some at least 'found good out of evil'. This, however, is by the way; the important point is that English policy tended to encourage a type of emigration which was not likely to make for the strengthening of the imperial idea. Moreover, apart from such extreme cases, the general character of the emigration which took place, which was that of servants bound for a term of years, who had no special reason to think kindly of the Mother Country where they had in most cases come to grief, was not such as to keep very much alight the torch of imperial patriotism.

If, then, we review the general nature of colonial administration under Charles II and James II, we are struck with its twofold character. In idea, and this applies even to the time of James when a more drastic policy was attempted, it compares favourably with the government which succeeded it. Both the Council of Trade and of Plantations and the committee of the Privy Council, which superseded it, were more efficient and capable organs of government than was the Board of Trade which was established in 1696. They were more efficient and more capable, because their powers were greater; and the colonies altogether played a more leading part on the stage of politics than they did throughout the first half of the eighteenth century. King Charles II often attended the meetings of the Commissioners for the Plantations and showed a genuine interest in their affairs. It is true that after the fall of Clarendon the experiment of placing merchants upon the Council of Plantations was abandoned. John Evelyn, who served upon the new Board appointed in 1670, noted with pride in his Diary that his colleagues were all great noblemen. For a short time Ashley, Lord Shaftesbury, who in a special degree epitomized the strong and the weak points of the Restoration public men, directed the colonial policy of the

[1] *Ibid.*, p. 232.

Government. The new Council for Trade and Plantations in 1670 appears to have followed the lines of a paper submitted by him. He showed the king that the interests of commerce, though formerly neglected, had become an express affair of state with France as well as with Holland. He advocated a council which, while jealous for the general interests of English trade, should not be under the control of private interests. He made the excellent suggestion that members of this commission should only be appointed for a limited term, so that members might know that 'unless they gave some evidence of their regard to the work . . . they must not expect to be continued'. At the same time the Council was still in the weak position of not itself possessing executive powers. It was obliged to have continual recourse to the Privy Council or to the Secretary of State, 'which oftentimes', a contemporary noted, 'gives great and prejudicial delays and usually begets . . . slower deliberations than the matter in hand may stand in need of'. There was therefore much to be said for entrusting the work to a standing committee of the Privy Council, as was done in December 1674. In any case there was no change of policy. Moreover, in matters of state a committee of the Privy Council could speak with a more certain voice than could a more miscellaneous body. Thus in 1677 we find firmer language employed towards Massachusetts than had been usual; but, if, so far as words were concerned, there was a more authoritative note, there was the same delay in translating words into deeds.

It was in the difference between profession and performance that the tragedy of the situation lay. It cannot be proved that the interference of the home authorities with colonial questions was in itself a contributing cause of future troubles. There is no evidence that interference, wisely and moderately directed, might not at this early stage of colonial development

have been attended with success. It was the uncertainty and the corruption which too often prevailed which did the mischief. We read the volumes of the colonial series of the Calendar of State Papers and we are struck with the fertility of suggestion, the vividness of interest, and the keen desire of knowledge which inspires public men; but then we go on, and we find a bewildering neglect of patient effort, a cynical disregard of mere morality, which alarms us for the future. At no time were the seeds of possible prosperity and greatness more abundantly sown, but at no time were the familiar agents more rampant which prevented development. The hardness of the soil, the action of the birds and of the thorns, all these had their counterpart in the England of the Restoration. It cannot be too often affirmed that the high and difficult work of founding an Empire requires to be approached in the most serious spirit; but unluckily it was just this serious spirit which was lacking in the English statesmen of the latter part of the seventeenth century. The reaction which at home reached such heights of profligacy, penetrated enough into American affairs to impair the efficiency of intellectual effort and to poison the wells of imperial influence.

We must therefore note that, while the colonial policy of the later Stuarts faced both the questions of the trade relations of the different parts of the Empire and the organization of its defences against the French, and elaborated instruments of government in some ways well adapted to the purpose in hand, it none the less carried within it the seeds of future dissolution, in that by the cynical disregard of its own maxims it shocked the conscience of the colonists and intensified the natural suspicion that their interests stood for little compared with those of grasping courtiers.

In turning our attention to the eighteenth century we are confronted with new causes of trouble. Generally speaking,

the tone of English public life grew more respectable after the time of the revolution; so that to some extent an improvement might be expected in relations with the colonies. Moreover, as a soldier, William III appreciated the imperial aspect of the American question, and in consequence a more efficient organization of imperial strength might have been looked for. At the same time colonial questions had lost their freshness; there was less active interest in them in high quarters; and altogether the times were in every way duller. Unfortunately a measure which was intended as one of reform proved in its consequences detrimental to imperial interests. The Board of Trade was instituted in 1696—a new broom which it was hoped would sweep clean. There was much dissatisfaction among the mercantile classes at the manner in which the Navigation laws were evaded, and a coalition between the mercantile interest and the Tories sought to foist upon the king a Parliamentary Board which he regarded with distrust as an invasion of the province of the Executive.[1] The history of the Board of Trade proved very different from such anticipations. With no executive powers it proved the Cinderella of government offices, and there can be no question that the impotence of the body which was especially charged with the control of colonial matters was a powerfully contributing cause of future trouble.[2]

Nothing could have been more ineffectual than recommendations constantly made which were as constantly neglected. Thus in the first year of their appointment we find the Board of Trade advising the creation of a commander-in-chief in America to organize the colonial forces. 'Unless this be done,'

[1] *Parliamentary Hist.*, vol. v, p. 977, and Burnet's *Hist. of his Own Time*, 1833 ed., vol. iv, p. 294.

[2] See, however, for some vindication of it Dickerson's *American Colonial Government*, 1696–1765.

they said, 'we do not see how these provinces can be preserved, for in the present state they are in, wherein they do and always will refuse one another mutual assistance, minding more their present profit than common defence, it is not conceivable how it can be avoided but that they should fall into the power of so active an enemy as France, and one after another be all destroyed'[1]; but, in spite of the urgency of the matter, nothing was done, and fifty years later we find the same recommendations being made. It is but fair to note that the Board of Trade was quite conscious of its own weakness and made ineffectual attempts to have things placed on a better footing. In a long report of 8th September 1721 the case was put with great force.

'We humbly beg leave to inform your Majesty that it will be further necessary for your service that whoever presides at this Board may be particularly and distinctly charged with your Majesty's immediate orders in the despatch of all matters relating to the Plantations in such manner as the first Commissioner of the Treasury and Admiralty do now receive and execute your Majesty's commands, with whom the Captain General and all other governors of your Majesty's Plantations may correspond.

'We the rather mention this because the present method of despatching business relating to the Plantations is liable to real delay and confusion, inasmuch as there are at present three different ways of proceeding therein; i.e. by immediate application to your Majesty by one of your Majesty's secretaries of state; by petition to your Majesty in Council, and by representation to your Majesty from this Board; from whence it happens that no one office is thoroughly informed of matters relating to the Plantations, and sometimes orders are obtained by surprise disadvantageous to your Majesty's Service; whereas if the business of these Plantations were wholly confined to one office, these inconveniences would be thereby avoided.'[2]

[1] *Documents relating to the Col. Hist. of New York*, vol. iv, p. 229.

[2] *Ibid.*, vol. v, p. 630.

Ineffectual attempts were indeed made from time to time to remedy this evil. Had the State officials, who were *ex officio* members of the Board of Trade, taken the trouble to attend its sittings, the difficulty would have been in great measure met; but colonial questions were no longer the fashion as they had been in the time of Charles II, and the great officers of State were always conspicuous by their absence. In 1729 we find the Board of Trade urging that they should receive notice when colonial business was coming before the Privy Council; and that some members of the Board of Trade might be summoned to attend [1]; but I cannot find that any notice was taken of the suggestion. Horace Walpole said that, in the time of his father, the Board of Trade had almost lapsed into a sinecure,[2] and though this is an exaggeration inasmuch as the Board continued to meet, making reports, which nobody read, and recommendations, which nobody heeded, the result of their efforts was not very different. But only consider how British colonial policy was handicapped by the deplorable absence of all system. The position of England in relation to the colonies was in any case one of extreme difficulty. As we have seen, in the case of many of them the manner of their foundation had been exceptional, and such as to provoke future trouble unless carefully heeded. It is entirely false to suppose that matters of their own accord worked well, and that all that was wanted was to leave well alone. On the contrary, there was constant need for the most vigilant and active interference, so long as it was of the right kind. The subject of appointments alone was one which might well engage the most anxious attention of responsible officials. But although it would be most unfair to condemn *en bloc* the English governors

[1] P. R. O., *Am. and West Ind. Corr., Col. Correspondence, Plantations General*, 602.

[2] *Memoirs of the Reign of George III*, 1894 ed., vol. i, p. 50.

of the eighteenth century, and though many of them, such as Lieutenant-Governor Spotswood of Virginia and Shirley of Massachusetts, were of exceptional merit, still the mere fact that here and there a governor was found who was a disgrace to the Mother Country, is evidence enough of the careless manner in which the business of selection was gone through. Neglecting the reiterated warnings of Lord Bellomont, one of the wisest and more courageous of colonial governors, the Home Government chose as his successor, in the government of New York, Lord Cornbury, whose period of rule, especially in New Jersey, which was joined to New York, was of an outrageous and scandalous character. The New Jersey Assembly afterwards affirmed that Cornbury 'had sacrificed his own reputation, the laws, and our liberties to his avarice. No means were left unessayed that gave hopes of gratifying that sordid passion. The country was filled with prosecutions by information of the Attorney-General contrary to law'.[1] It was asserted in an anonymous paper that a Colonial Governor (presumably Cornbury) had fined a man £2,000 for speaking against him, and when the fine was remitted by the Home Government, threatened to prosecute his victim for treason, so that the latter preferred to pay the £2,000 rather than to risk the chances of the prosecution. According to this paper, which was thought of sufficient importance to be submitted to the Board of Trade by the Secretary of State, Stanhope, in 1715,

'Governments have bin sometimes given as a reward for services done to the Crown, and with design that such persons should thereby make their fortunes. But they are generally obtained by the favour of great men to some of their dependents or relations, and they have been sometimes given to persons who were obliged to divide the profit of them with those by whose means they were procured; the qualifications

[1] *New Jersey Documents*, vol. iv, p. 25.

of such persons for government being seldom considered. . . . A bad governor invested with all the extraordinary powers does thereupon grow haughty and insolent. He knows that those who had power to put him in have also power to protect him.' [1]

Considering that the Assemblies were always refusing to vote the Governors a permanent salary, their position at first sight would seem an unenviable one, but that somehow or another the post must have been profitable is shown by the fact that George Clarke junior, the Secretary of New York, offered Lord de la Warr the sum of £1,000 if he would resign the government of New York in favour of Clarke's father.[2] It is true that in 1767 we find Governor Moore protesting that before he left England he had been assured by his predecessor that the salary and common fees would not pay his expenses at New York, and that he had found this verified since he arrived ; [3] but, if so, why was there so active a demand for colonial appointments ? It is impossible, unfortunately, in the case of eighteenth-century officials to put this readiness down to the desire to serve imperial interests. It was a materialistic age and most men acted from materialistic motives ; and it is significant that a special order had been necessary in 1703 forbidding Governors to assent to any law conferring a present upon them or to receive any such present.[4]

Recent researches have shown that the Board of Trade was by no means the wholly inefficient body it was wont to be represented [5] ; but in any case it was without executive power, and above it, apart from the Privy Council, was the office of the Secretary of State for the southern department ; the

[1] *North Carolina Records*, vol. ii, pp. 154–8.

[2] *Documents relating to the Col. Hist. of New York*, vol. vi, pp. 163–4.

[3] *Ibid.*, vol. vii, p. 922.

[4] *Ibid.*, vol. iv, p. 1040.

[5] *American Colonial Government*, 1696–1765, by O. M. Dickerson, 1912.

occupant of which, for the fateful years 1724–48, was the notorious Duke of Newcastle. That celebrity may not have deserved all the obloquy thrown on him by Smollett, Horace Walpole, and others—and the active friend and correspondent of the great Lord Hardwick can hardly have been the mere nincompoop he is sometimes represented. But, assuredly, his fussy and timid nature was one ill suited to cope with a situation of extreme difficulty; and the practice of putting off till to-morrow what belonged to to-day brought its natural consequences.

There was of course a good side to this procrastination and apathy. Thus proposals such as that of a colonial episcopate which, whether wise or unwise, would have excited strong feeling in America, received scanty encouragement. Even the constant delay in answering inquiries may have had its good side in postponing decisions which afterwards solved themselves. Still, upon the whole it cannot, I think, be doubted that the slatternly methods of conducting business played a great part in weakening the force of imperial power. Had the English Government openly recognized the difficulty of interfering with internal affairs and frankly limited such interference to the subjects of commercial supremacy and of organized resistance to the French, the case would have been different. But so far from doing this it was always taking up a position from which it was compelled to retire. It was certainly most annoying that Massachusetts and New York refused to provide a permanent salary for the Governors; but the question should have been faced from the first; and unless the Home Government saw their way to enforce a remedy, it would have been more dignified to have yielded at once; or else to have adopted the course which was more than once recommended by the Board of Trade, the course which was finally taken just before the outbreak of the American Revolu-

tion, to pay the officials from England. If it was important that the Governor should not be the mere dependent of the Colonial Assembly, it might perhaps have been worth while to bear this cost. In any case, what was the use of a solemn appeal to the Privy Council when there was no means of enforcing the Privy Council's decision? The more honourable was the Governor the more difficult was his situation. The Assembly of Massachusetts was not ungenerous and was very willing to give liberal grants, if only the Governor would forgo his right to a fixed salary. When Burnet, the son of the Bishop of Salisbury, became Governor in 1728, he informed the Assembly that his instructions were to obtain a salary of £1,000 a year. The omission to comply with this would appear as 'a manifest mark of undutiful behaviour' and would necessitate the intervention of Parliament. The Assembly, instead of voting a fixed salary, made Burnet the grant of £1,700; but Burnet was not thus to be moved from his purpose. He pointed out in reply the necessity that the Governor should be independent of the Assembly; and that, by means of these grants, consent to laws had been extorted from Governors, to which otherwise they would have refused their assent. After more bickering the struggle was transferred to England. The Board of Trade, as was natural, after hearing both sides, decided in favour of Burnet, and a report to that effect was approved by the Privy Council. The grant of a fixed salary was asserted to be absolutely necessary for the maintaining the independence of the Governor towards the Assembly.[1] They further recommended that the whole matter should be laid before Parliament. The choice surely lay between gracefully acquiescing in the claims of the Assembly or else exerting the powers of the Crown to enforce the law;

[1] The report is set out in Hutchinson, *The Hist. of the Province of Massachusetts Bay*, vol. ii, pp. 361–4, note.

but instead the Duke of Newcastle took the feeble course of maintaining in the abstract the rights of the Crown, and yet making them nugatory by not attempting to enforce them. The colony was at this time by no means unanimous on the subject. The Council, which represented the more conservative forces of the country, refused to follow the lead of the Assembly, and Jeremiah Dummer, who had acted as agent of the colony in London, and had published a defence of the Charter which had considerable influence over English public opinion, had warned the majority in 1721 that their attitude would compel the interference of Parliament, in which case, resistance would be of no avail.[1] In truth, if the matter were worth fighting about, now was the moment to choose to contest it; but the British Government, while failing to support Burnet, showed by the instructions of his successor that the cause of friction was by no means buried. Burnet died rather suddenly in 1729, and the extraordinary course was taken of appointing as his successor Andrew Belcher, who had been active in his opposition to the late Governor, while at the same time the rights of the Crown were again emphatically asserted. The Home Government at length discontinued the solemn farce of claiming a fixed salary,[2] and the moral was written clear for whoso willed to read that in a tussle between the home and the colonial forces it was the latter which would in the long run succeed.

We thus see that the action of the Home Government combined the opposite faults of excessive meddlesomeness and of excessive weakness. It by no means deserved the praise it has sometimes received for leaving the colonies alone, while at the same time it only intervened in such a way as to proclaim

[1] *Op. cit.*, p. 255.

[2] See Instructions to Governor Shirley, September 1741, *Corr. of W. Shirley*, ed. by C. H. Lincoln, 1912, vol. i, p. 52.

its own impotence. A more likely way of promoting estrangement could hardly have been devised. It was unfortunately made apparent to the colonists that if the Home Government failed to get its way, it was its power, not its will, that was in fault. On paper the most extravagant pretensions were still made. When the New York legislature passed a triennial act in 1737, which under any reasonable colonial system would have been a matter of local concern, the Board of Trade recommended its disallowance on the ground that it was an infringement of the Crown's prerogative by taking away 'the undoubted right which the Crown had always exercised of calling and continuing the Assembly at such times and for as long as it was thought necessary for the public service'.[1] Pretensions such as these obviously struck at the roots of parliamentary government, and made a distinction between the colonists and the people of Great Britain, for which there was no necessity in reason, and which was most galling to a high-spirited and independent community. In the same spirit the Board of Trade maintained that the creation of new electoral districts was part of the prerogative of the Crown and could not be exercised by the Colonial Assembly.[2] It was thus apparent that so far as they could have their way the British authorities would have liked to keep the colonial constitutions in the position in which the English had been under the Tudors.

Something has been already said of the weak points of the system as it worked in America, but apart from the misdoings or failures of individual governors the whole system of government was singularly weak. The rigid separation, on paper, of executive and legislative functions led to strange results. The whole strength of the executive lay with the Governor, who could not even share his responsibility with the members of

[1] *Documents relating to the Col. Hist. of New York*, vol. vi, p. 130.

[2] *North Carolina Records*, vol. v, pp. 81–92, 341, 406.

the Executive Council. Generally a stranger and without local knowledge, he was driven to rely on private advisers who were generally not in sympathy with the public opinion around them. There was, moreover, in most cases an Achilles' heel to the Governor's authority that tended to make his position an almost impossible one. In Virginia [1] and Maryland,[2] indeed, a permanent salary had been secured; but in New York and Massachusetts, and in a proprietary colony like Pennsylvania, the Assembly possessed the power of the purse, and could thus effectively call the tune to which the unfortunate Governor was obliged to dance. The successive encroachments of the legislature, especially in Massachusetts, South Carolina, and Pennsylvania, upon the province of the executive were the leading features in the history of the eighteenth century. The subject has been well dealt with by an American historian in a work of authority.[3] It will be enough for present purposes to cite the words of the Governor of South Carolina, written in 1748: 'Almost all the places of profit or of trust are disposed of by the General Assembly. . . . Thus the people have the whole of the administration in their hands'; [4] and of the Board of Trade respecting Massachusetts, written in 1757: 'Almost every act of executive and legislative power, whether it be political, judicial, or military, is ordered and directed by votes and resolves of the General Court, in most cases originating in the House of Representatives.' [5] In perhaps the most impressive passage in his great speech on Conciliation with America, Burke pointed out how a vast province

[1] Hening, *Statutes*, vol. ii, p. 466, and vol. iii, pp. 344, 490.

[2] Bacon, *Laws*, 1692, ch. iv, and 1704, ch. xlii.

[3] *The Provincial Governor*, by E. B. Greene, Harvard Hist. Studies, 1907, pp. 167–95.

[4] *South Carolina Hist. Soc. Collections*, vol. ii, pp. 303–4.

[5] *Massachusetts Province Laws*, vol. iv, pp. 95–6.

(Massachusetts) had subsisted, and subsisted in a considerable degree of health and vigour, for about a year 'without Governor, without public council, without judges, without executive magistrates'.[1] But the explanation lies in the fact that the Revolution rudely exposed to the light of day tendencies that had been for a long time undermining the position of the Governor. 'Anarchy' was 'found tolerable'[2] because, in fact, though not in theory, the new system involved few changes in methods of government. If, as was obvious, the person of the Governor was the centre round which the forces of law and order were bound to rally, the weakness of his position boded ill for the permanence of the British connexion.

It is easy to blame the conduct or the language of some individual British Governor; but we must always remember in Mr. Greene's words, that 'as the agent of the Crown and therefore the representative of the imperial, or perhaps more accurately British, interests, he came in conflict with the Assembly which embodied the local forces, the local interests of the province, and sometimes at least broader colonial or American interests. In all of these contests the Governor stood for a losing cause'.[3]

Mr. Greene rightly insists that without this gradual growth of a sense of divergent interests 'all the political agitation of Samuel Adams, the eloquence of Patrick Henry, and even a few injudicious measures of British statesmen from 1760 to 1774, could hardly have led to revolution'.[4]

It is significant of the character of eighteenth-century British statesmanship that even after the catastrophe of the American Revolution this lesson was completely ignored. When Carleton in Canada sought to form an 'inner cabal' of members of the Executive Council whom he could consult, his action was

[1] *Works*, 1881 ed., vol. ii, p. 129.
[2] *Ibid.*
[3] *Op. cit.*, pp. 204–5.
[4] *Ibid.*, p. 205.

held to be illegal; no differentiation being recognized between the members of the unwieldly Executive Council.[1]

In another direction the British authorities showed themselves woefully at fault. Considering the natural tendency of those with great possessions to hold conservative opinions, it is surely significant that in Virginia, the colony founded by Royalists, very few of the natural aristocracy, at the time of the Revolution, was found adhering to Great Britain. Continually local prejudices and beliefs had been flouted and insulted by the concentration of offices of trust in the hands of needy English adventurers; whilst in some cases absenteeism led to its natural results. General McCrady lays just stress on the significance of the supersession by the British Government of Charles Pinckney as Chief Justice of South Carolina that room might be found for an English lawyer who had engulfed himself a little too deeply in the dirty waters of English party politics.[2] Pinckney was in every way fitted for the post to which he had been provisionally appointed by Governor Glen; and his appointment would have given great gratification to his fellow colonists; but such considerations did not appeal to the minds of eighteenth-century British statesmen.

It is true that any attempt to set on foot a system of governmental influence in the legislatures would almost certainly have ended in failure; as Spotswood found to his cost when he tried to establish such an influence in Virginia. Nevertheless, in less direct ways an ascendancy might have been gained. To cite only one instance, something might surely have resulted if the young men sent to England from the southern colonies, to complete their legal or other education, had been treated in such a manner as to return to America with hearts full of attachment to the original 'home'.

[1] *Acts of the Privy Council, Col. Series*, 1766–83, p. 470.

[2] *South Carolina under the Royal Government*, 1713–76, pp. 279–81.

It would seem, then, that as in the seventeenth century the great need had been a higher moral tone on the part of the home authorities so as to avoid shocking the conscience of the colonists, so in the eighteenth the most pressing want was a better system of organization, and more industry and capacity throughout to make that organization work successfully. If corruption no longer asserted itself naked and unashamed, there was enough of jobbery and dishonesty to lower the efficiency of public life and seriously to weaken the resources of the Mother Country. Considering the extreme difficulty of the task—the welding into a harmonious whole an Empire consisting of units of distinct interests, distinct ideals, and distinct temperaments—it would be rash to assert that in any event the British Empire of the eighteenth century could have been preserved, except by a complete change of system, such as was beyond the ken of statesmen of the time. Moreover, even had this been possible, there was the further question whether, from the point of view of the time, an Empire such as that of to-day, practically independent in its various parts, would have appeared an ideal worth striving for; whilst the existence of the French danger rendered such a policy of *laissez-aller* impossible, so far as the important matter of military defence was concerned.

Moreover, in the long struggle for the maintenance of the first British Empire in America, the special circumstances of the time prevented Great Britain from putting forth her full strength. In an oligarchy, the choice of officials is perforce limited to a few, who unhappily need not be select, so far as abilities are concerned. Sinister influences, such as have been already noted, prevented a fair choice being made from even among the few who were eligible for posts. Men, therefore, both morally and intellectually of second-class calibre, had to watch over the growing pains of new nations and to ensure

the continuance of their attachment to the imperial connexion. What wonder if, confronted with a situation of extreme difficulty, they, for the most part, failed? The wonder is rather that so many men of proved honesty and ability were turned out by a bad system. When all is said and done the fault lay more with English statesmen at home than with their instruments abroad. Had the reports of colonial governors been carefully studied, and had almost any policy at all been adopted, except the inglorious one of leaving for to-morrow what should be done to-day, even then the issue might have been different. The pathetic fidelity with which great numbers of the colonists clung to England as their home, when neither they nor their fathers had ever visited it, the deep heart-searchings caused by the final upheaval, the fact that probably about two-fifths of the American people, in spite of all that had happened, remained in their hearts loyal to the connexion at the beginning of the War of Independence, all these things show that there was an untouched mine of wealth hidden in the temper of the people, which the exercise of the historic imagination might have brought to the light of day, and which a great statesman might have known how to use with advantage. In this connexion it is important to note the influence exercised by the elder Pitt over the minds of the colonists during his short period of power. Was it altogether impossible that the same spirit which was called forth by the right use of the opportunities of war might have been equally evoked in peace had the same spirit of tactful sympathy been shown? But William Pitt and the Duke of Newcastle stand at the antipodes of eighteenth-century statesmanship, and unhappily it was the spirit of Newcastle and not that of Pitt which dominated the age. The age of Newcastle sowed the wind of incapacity, jobbery, and procrastination, and the next age reaped the whirlwind of rebellion, disruption, and failure.

It is clear, then, that the undermining of the British Empire in America was begun long before George Grenville and Townshend had appeared upon the scene; it was begun when the first generation of statesmen concerned with the colonies failed to rise to the moral necessities of their imperial position; it was directed on its inevitable course when mediocrity and jobbery became the presiding spirits in the sanctuary of Empire. It was not this or that party or this or that politician which was at fault, it was the inevitable working of a vicious system, the fatal Nemesis which awaits the acceptance of low ideals.

3
The Economic Background

It is very difficult exactly to appraise the influence exerted by the Mercantile System in making British rule unpopular and in helping to promote disunion. The old Whig view was that the Mercantile System was little to blame for the loss of the American colonies. The best expression of this view is to be found in Burke's speech on American taxation:

'They who are friends to the schemes of American revenue say that the commercial restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore it from the fundamental Act of Navigation until 1764. Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The Act of Navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the

world. By his immense capital (primarily employed not for their benefit but for his own) they were enabled to proceed with their fisheries, their shipbuilding and their trade too within the limits, in such a manner as has got far the start of the slow, languid operations of unassisted nature. This capital was a hot bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce and their cultivated and commodious life too, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday, than a set of miserable outcasts a few years back, not so much sent as thrown out on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.' [1]

As Burke was the agent of the province of New York, and must have seriously considered the subject of the colonial trade, it is impossible to brush aside his testimony. Upon the other hand, Mr. Lecky, one of the fairest and least prejudiced of modern historians, has expressed the opinion that political alienation was the inevitable and most righteous consequence of the Navigation Laws, and that it was to the antagonism they created much more than to the Stamp Act or to any isolated instances of misgovernment that the subsequent disruption must be ascribed. He quotes with approval Arthur Young's statement that nothing could be more idle than to say that this set of men, or the other administration, or that great minister occasioned the American War. It was not the Stamp Act, the repeal of the Stamp Act, it was neither Lord Rockingham nor Lord North, but it was that baleful spirit of commerce that wished to govern great nations on the maxims of the counter.[2] According to this view the deliberate selfishness of English commercial legislation had been for years

[1] *Works*, 1881 ed., vol. ii, pp. 32–3.

[2] Lecky, *Hist. of England in the Eighteenth Century*, 1892 ed., vol. ii, p. 241.

digging a chasm between the Mother Country and the colonies, which would inevitably, when the latter had become sufficiently strong, lead to separation. 'Commercialism,' Professor Channing writes, 'the desire for advantage and profit in trade and industry, was at the bottom of the struggle between England and America. . . . The governing classes of the old country wished to exploit the American colonists for their own use and behoof; the Americans desired to work their land and carry on their trade for themselves.'[1] Other historians have thrown doubt on this view of the case. The late American historian, Mr. G. L. Beer, who from first-hand study in the Record Office was the most qualified of men to speak on the subject of the Mercantile System, agreed, upon the whole, with the view of Burke. He even went further and maintained that it would appear that, instead of being a disintegrating factor, the system of trade regulation tended to give greater cohesion to the Empire. British policy had never been consistently directed towards creating a closely-knit political empire. The aim was rather to create a self-sufficient economic unit, independent, so far as was possible, from competing national groups; and, in the main, this result had been attained. The West Indian colonies were absolutely dependent on the monopoly of the British market that had been given them. In the same way the prosperity of the American continental colonies depended to a great extent on their hold either of the British market or of that of other British colonies.[2]

Mr. Beer brought out very clearly the beneficial as well as the bad side of the Mercantile System as it affected the colonists.

'The prosperity of their shipbuilding industry depended to a great extent on the sale of vessels to Great Britain and on the

[1] *A Hist. of the United States*, 1912, vol. iii, pp. 1–2.

[2] *British Colonial Policy*, 1754–65, by G. L. Beer, 1907, pp. 193–210.

large carrying trade between various parts of the Empire. Once politically separated the Navigation Acts would automatically shut off the sale of those ships and also a considerable portion of the carrying trade. Thus while, on the one hand, political separation meant some economic advantages, on the other it meant both the assumption of the burden of naval defence hitherto borne by the Mother Country . . . and also important and concrete economic disadvantages. To those in the colonies contemplating such a contingency, the risks must have appeared sufficiently formidable " to give them pause ". Hence, as far as this was realised, the system tended in the direction of greater imperial cohesion, and ran counter to the strongly marked tendency towards political disintegration.' [1]

What, then, was this famous colonial system about the effects of which writers have so widely differed ? As finally elaborated it was a system of a very intricate and complex character, embodied as it was in some hundred Acts of Parliament. But the idea underlying the system was simple enough. It was that the benefit of all trade within the Empire should inure to the Empire itself and not to any outsiders. This idea first found conscious expression in English legislation in the first Navigation Act of 1651, but previous legislation had for many years endeavoured, with or without success, to secure that English trade should be carried in English bottoms. With the growing activity of the Dutch the need of protecting English interests became more urgent. Under the Act of 1651,[2] with a view to increase the shipping and encourage the navigation of England which was so great a means of the welfare and safety of the Commonwealth, after the next 1st day of December no goods or commodities of the growth, production, or manufacture of Asia, Africa, or America, or any part thereof, could be imported into England, Ireland or any other portion

[1] *Ibid.*, p. 210.

[2] Set out in *Select Charters illustrative of Am. Hist.*, 1606–1775, ed. by W. Macdonald, 1899, pp. 107–10.

of the Empire, except in ships the proprietors of which were Englishmen or colonists and of which the master and the majority of the crew were English, under the penalty of the forfeiture of all goods that should be imported contrary to the Act as well as of the ship itself.

To further protect English shipping it was attempted to secure that goods of European growth, production, or manufacture should be shipped direct from the places of such growth, production, or manufacture. This was aimed at the Dutch who, as the common carriers of Europe, might have brought goods from their place of origin; only the last stage of the journey being entrusted to English ships. So far attention had only been paid to the interests of English shipping; but the Navigation Act of Charles II, passed by the Convention Parliament of 1660 and confirmed in 1661 by the first Parliament regularly assembled after the Restoration, enlarged the scope of the earlier statute.[1] The old regulations with regard to ships were re-enacted except that greater precision was given to the law by the rule that three-fourths of the crew must be English. By an explanatory Act it was expressly affirmed that any of His Majesty's subjects of England, Ireland, and his plantations were to be accounted English.[2] It was now further enacted that the vessel, in order to obtain the benefit of the law, must be not only English owned but also English built, that is to say, built in England, Ireland, Wales, Berwick-on-Tweed, or the plantations. So far as the colonial shipping interests were concerned, the navigation laws would seem to have been of direct benefit to the colonies. In New England especially they stimulated an important shipbuilding industry which might otherwise have never developed. Moreover, it is worth noting that though complaints were from time to time made by the English shipbuilders of colonial

[1] 12 Car. II, c. 18. [2] 14 Car. II, c. 11, s. 5.

competition, Parliament steadily refused to interfere in the matter.[1] Imperial interests required that shipping throughout the Empire should be encouraged in every possible way; and therefore in this respect the private interests of Englishmen at home were not promoted at the expense of the general good. That the Navigation Acts did give great encouragement to the building of ships both in Old and New England seems clear, though Dr. Cunningham held that their effect has been exaggerated;[2] and therefore from the point of view of sea power they can be, it would seem, plausibly defended. We cannot get over the fact that before their enactment the carrying trade of the world was in the hands of the Dutch, and that after sufficient time had been given for the English laws to take effect English shipping acquired a supremacy. Other reasons may have contributed to the downfall of the Dutch; but that the navigation laws had some effect cannot be doubted. Adam Smith, who approached questions of trade from a very different standpoint from that of the Mercantilists, was yet in favour of the Navigation Acts on the ground of political expediency. The defence of Great Britain, he contended, depended very much upon the number of its sailors and shipping. The Act of Navigation therefore very properly endeavoured to give the sailors and shipping of Great Britain the monopoly of the trade of their own country, in some cases by absolute prohibition, and in others by heavy burdens upon the shipping of foreign countries. Adam Smith admitted that some of the regulations of this famous Act might have proceeded from national animosity against the Dutch. Nevertheless, he held that they were as wise as if they had all been dictated by the most deliberate wisdom. 'National animosity

[1] See *Industrial Experiments in the British Colonies of North America*, by E. L. Lord, 1898, p. 105.

[2] *Growth of English Industry and Commerce*, vol. ii, p. 479.

at that particular time aimed at the very same object, which the most deliberate wisdom would have recommended, the diminution of the naval power of Holland, the only naval power which could endanger the security of England.'[1]

If, then, English legislation had been content with this, the Navigation Acts would have been much less open to criticism. It is true that there seems to have been an interval of time during which the colonial trade suffered hardships from the prohibition of the use of Dutch shipping before the English industry had been properly developed; but such evil was in the nature of things temporary, as there were ample resources for the most extensive shipbuilding within the Empire, when the opportunity for a fair profit was made secure.

There were other interests, however, than the shipping which required attention at the time of the Restoration, and other sections of the first Act of Charles II sought to protect these. It must always be remembered that the *laissez-aller* conception of trade as the natural outcome of individualist effort, which suggests that as far as possible it should be left to its own devices, was altogether alien to the temper of the seventeenth century. A distinguished German economist, G. Schmoller, has shown that the great work of what is known as the Mercantile System was the evolution of the idea of national economic life from that of the city or district.[2] But whether the unit was a city or a country, in either case the individual was never regarded as isolated. Trade was in every case subject to such restrictions and interferences as tended, or were believed to tend, in the direction of national advancement. Such a theory requiring the subordination of separate parts to the general interests of the community as a whole, trade regulation was therefore the special province of the statesman, inasmuch as on

[1] *The Wealth of Nations*, ed. by W. Playfair, 1805, vol. ii, pp. 202–3.

[2] *The Mercantile System* (in 'Economic Classics', ed. by W. Ashley).

the development of trade national efficiency largely depended. As a general rule the test of the wisdom of any regulation was an increase of the imperial revenue; but, behind this or other modes of proving its results, there were the indispensable requirements of national efficiency. We may criticize in detail the various measures by which this general doctrine sought to embody itself, but most people will now admit that the main principle involved, which was (roughly speaking) that the organization of national efficiency in all directions was a national concern, was in many ways more scientific than the blind trust to the instincts of individual selfishness which characterized the English theory of the nineteenth century. Quite apart from the vexed question of protection *v.* free trade, the example of Germany before the war taught us what might be the results of the state recognition of the necessity for trade development on scientific lines.

Such being the temper of seventeenth-century thought, it was natural that, when a colonial empire began to take life, though politically it was framed on haphazard lines, it was sought, in the practical field of commercial development, to bring it into some relation with the systematized views of the day. The Restoration was a time when the influence of the city merchants was very powerful; and when the new Council for Trade was appointed, the merchant companies were called upon to suggest names of persons suitable for membership.[1] In this state of things the importance attached to questions of trade need not surprise us. If the dominant doctrines were right, it was obviously also right that the organization of the Empire should be made according to their teaching. The object, then, aimed at was to substitute imperial efficiency for the mere efficiency of England and Ireland; and in this connexion an imperial revenue was a natural corollary. Some

[1] Andrews, *op. cit.*, p. 65.

reformers it is true would have liked to go farther, and to secure greater political as well as economic uniformity; the confusion of political types no doubt offending many; but it was only on the question of trade that English public opinion was agreed, so as to pursue a systematic policy. Throughout the reign of Charles II the great economic importance of the colonial trade was fully realized by English statesmen, and Lord Clarendon's words after his fall regarding it have been already quoted.

We are thus in a position to understand the provisions of the first Navigation Act of Charles II, which related to trade. It had for very many years been customary to designate certain towns as places where commodities of a certain class must be brought for purchase or sale. Thus by an ordinance of 1353 the sale of wool in England for export was given exclusively to ten English towns. These towns were termed the 'staple' towns, and the company of the merchants of the staple had the monopoly of exporting the staple commodities. In order that English merchants might obtain the full benefit of the colonial trade the principle of the staple was applied to it. In this case England, as a whole, became the seat of the staple monopoly, and certain articles known as the 'enumerated' articles could only be shipped to places within England, Ireland, or the plantations. At different times different goods were placed in the 'enumerated' list, but at first they were sugar, tobacco, cotton-wool, indigo, ginger, fustic, or other dyeing wood. The object was that the English middleman should have the handling of the goods before their re-export to foreign countries and that the English revenue should benefit by the amount of the duties paid in England. There had already been controversy between the colonies and the Mother Country on this latter point; the British authorities insisting that the entire Virginia product of tobacco should be brought into

England, so as to pay the duty, the colonists on the other hand seeking to evade the hard terms of the Home Government by finding a market at Amsterdam and elsewhere. The rule restricting the export of the enumerated commodities to England gave a clear relative advantage to the home trader over that of other countries. Adam Smith himself, though criticizing the measure on other grounds, admits this. He recognizes that this monopoly gave an evident advantage to the English manufacturer and consumer.[1] But it is clear that, if the effect of the legislation was to lower the prices in England, that lowering was at the expense of the colonists, and was in effect a tax upon them. Competition between the various countries must have helped to raise prices, but such competition as there was, was restricted to the English buyers among themselves.

The policy of the Navigation Laws may, perhaps, be defended against some at least of the arguments levelled against it by Adam Smith, but it was undoubtedly open to the criticism that it put the interests of Englishmen at home before those of Englishmen in the colonies. It was for many reasons natural that this should be so. The colonies as yet occupied a very subordinate position compared to the Mother Country. She was the planet and they were merely humble satellites. If, then, the prosperity of the system as a whole was the point to be aimed at, it was natural that the central planet should be the object of most attention. Moreover, if it was true that Great Britain had not been put to great expense in the foundation of its colonies, it was also true that, as time went on, their defence did entail considerable expenditure, and that some form of trade advantage appeared the only way by which such expenditure could be compensated. It might be true in the words of a pamphlet published in 1765 that no preference,

[1] *Op. cit.*, vol. ii, p. 449.

no privilege, no exception was allowed to any, not even to Great Britain, when her particular interests seemed incompatible with the greater system ; but in this connexion should be noted Bladen's words which have been quoted above.

The first Navigation Act of Charles II having established England as the emporium for certain classes of goods exported from the colonies, a further Act of 1663 sought to place the whole handling of the colonial import trade in the hands of the English merchants ; one reason for this new restriction may have been the impossibility of enforcing the law as to the export of the enumerated commodities, so long as foreign ships were allowed in the colonies. The Act [1] says :

'And in reguard his Majesties Plantations beyond the seas are inhabited and peopled by his subjects of this his kingdome of England, for the maintaining a greater correspondence and kindnesse betweene them and keepeing them in a firmer dependence upon it, and rendring them yet more beneficiall and advantagious unto it in the farther imployment and encrease of English shipping and seamen, vent of English woollen and other manufactures and commodities, rendring the navigation to and from the same more safe and cheape, and makeing this kingdom a staple not only of the commodities of those plantations but alsoe of the commodities of other countryes and places for the supplying of them, and it being the usage of other nations to keep their plantation trade to themselves.'

For these reasons no European goods were henceforth to be imported into the colonies except in English or colonial ships.

With the passing of the Act of 1663 the system of colonial trade was, on paper, fairly complete, and the main effort of subsequent legislation was to elaborate the machinery by which the law could be enforced. As things were, the system did not work merely in the interests of the Mother Country. Take the important export of tobacco. It was undoubtedly very

[1] 15 Car. II, c. 7.

annoying to the colonial producer to be compelled to supply a single market, which did not in fact require a quarter of the amount annually produced. On the other hand, both the Stuarts and the Commonwealth Government prohibited the planting tobacco in England under severe penalties; and preferential treatment was accorded to colonial, compared with foreign, tobacco in the payment of customs duties. At the Restoration the same policy of prohibiting the growth of tobacco in England and of giving colonial tobacco a substantial preference was continued, though with greater skill and emphasis. Gluts in the market with consequent heavy falls of price no doubt made the lot of the grower of tobacco somewhat precarious. It is still clear that the system did not involve nothing but loss to the colonial producer. Of especial value to him was the system of allowing a drawback of the whole duty in the event of the tobacco being re-exported within eighteen months. This benefit he shared, though in more generous measure, with the exporters of foreign goods from England to the colonies, who obtained a repayment of a substantial proportion of the duties already paid; with the result that prices were lowered in the colonies. Adam Smith doubted the wisdom from the economic standpoint of allowing these drawbacks from the point of view of Great Britain [1]; but the gain to the colonial purchaser was clear enough.

But it was not only by means of preferential treatment in certain cases and by the system of drawbacks on re-exportation to the colonies that the hardships of the Mercantile System were, to some extent at least, alleviated; the system of bounties, which was introduced during the eighteenth century, further redressed the balance, so that it became hard to say what was the final result, on a balancing of accounts. The idea underlying the granting of bounties was to enable the Empire to

[1] *Op. cit.*, vol. ii, p. 433.

become a self-supporting unit, independent of foreign imports, but their effect was none the less beneficial to particular colonial interests. The most important of these bounties were those connected with the production of naval stores. The English shipbuilding industry had been largely at the mercy of Norway, Sweden, and Russia for such materials. In the event of war these markets might be closed; while, so long as they possessed a monopoly, they were able to exact ruinous prices from the English buyer. From the earliest times great expectations had been raised of the advantages possessed by the colonies for the production of naval stores, but in fact small results were brought about. Towards the end of the seventeenth century attempts were made to develop the production of naval stores by means of chartered companies, but such attempts ended in failure, and the British Government came to realize that, if anything was to be done, it would be necessary to give artificial encouragement to the business. Accordingly in 1705 an Act [1] was passed which provided for the encouragement not only of pitch, tar, and such products, but also of masts and heavy ship timber. It is impossible here to enter into the very complicated history of the effect of these bounties on colonial production; on the whole, however, though on certain products, such as hemp, their effect was practically nil, on others it was considerable. Unfortunately, so far as ships' timber was in question, the conciliatory character of the bounty system was destroyed, in the case of the New England colonies, by the disputes between the colonists and the imperial officials over the question of the preservation of the woods for the Royal Navy. In this contest the colonists were the winners, as it was impossible to enforce Acts of Parliament without military support against a hostile community; but the irritation occasioned by the attempted inter-

[1] 3 & 4 Anne, c. 9.

ference had doubtless some effect in exciting prejudice against the Mother Country.[1]

The provisions of the laws directed against colonial manufacture have been often quoted as explaining the subsequent action of the colonies; but in fact the practical grievance arising from such laws does not seem to have been great. Franklin, writing in 1760, said, 'Manufactures are founded in poverty. It is the multitude without land in a country, and who must work for others at low wages or starve, that enables undertakers to carry on a manufacture'.[2] Mr. Beer asserts that these restrictions were to a great extent superfluous, as under existing conditions, with land cheap and plentiful, the colonies had no inducement to manufacture extensively on a commercial scale.[3] It would seem, moreover, that the laws were in any case mostly ignored. In 1774 John Adams said that the Hat Act, which forbade the manufacture of hats, had not been regarded.[4] Professor Channing, however, points out that no less than a quarter of a million of British-made hats were imported in one year.[5] In any case, an English traveller at the time speaks of the manufacture of hats in Pennsylvania, New York, and Massachusetts; and the contemporary newspapers contain frequent advertisements of hat-makers.[6] Even the much-quoted Iron Act of 1750, which forbade the more highly developed grades of the iron and steel manufacture, had been added to a Bill the primary object of which was to encourage the production of bar and pig-iron in the colonies, by removing the British customs duties from them, thus enabling them to compete with Swedish iron, which was loaded with these duties.[7]

[1] On the subject of bounties for naval stores see *Industrial Experiments in the British Colonies of North America*, Johns Hopkins Univ. Studies, 1898.

[2] *Works*, ed. by Smyth, vol. iv, p. 49. [3] *Op. cit.*, p. 197.

[4] *Ibid.* [5] *Op. cit.*, vol. iii, p. 111.

[6] Beer, *op. cit.*, p. 197, note. [7] *Ibid.*, pp. 197–8.

No attempt has been made here to deal with the old colonial system as a whole, but merely, so far as it illustrates the point, how far that system could be charged with the loss of the American colonies. Considering the extreme complication of the system, it is impossible to give a confident answer to the question. Dissatisfaction there undoubtedly was in the colonies and some interests were no doubt hard hit by the system, but Mr. Beer collected some English criticisms which show that it was not only on one foot that the shoe pinched. Joshua Gee, a well-known economist, wrote in 1721 to the Board of Trade, 'I could never see a reason why the subjects of Great Britain who have all along paid very great taxes to support the Government, and have been at the expense of convoys to protect the plantation trade, should bear so much, and the plantations, who have never paid any taxes, should not pay the common duty on linens, &c., woven in England'.[2] In 1732 another memorialist to the Board of Trade advised the abolition of these drawbacks because in consequence of them the colonies 'have such goods much cheaper than the inhabitants of this Kingdom, who ever bear the burden and charge of protecting the Plantations'.[3] Again, an English writer in 1766 commented on the lot of the British consumer, who had to buy British colonial sugar, tobacco, rice, pitch, tar, turpentine, indigo, which were all favoured by heavy duties on foreign products; and on the fact that the British tax-payers paid bounties on many colonial products, though the producer of the same commodities in the Mother Country would not be entitled to them.[4] Enough has perhaps been said to show that a general conclusion cannot easily be arrived at.

If, however, the Mercantile System, as it had come down embodied in numerous statutes, might have been acquiesced

[1] Beer, *op. cit.*, pp. 201–2, note.
[2] *Ibid.*, p. 202, note.
[3] *Ibid.*

n for yet many more generations, if it had stood alone, there s considerable evidence that the alterations and (from his own oint of view) improvements in the system effected by George Grenville did seriously alarm and outrage colonial public opinion. We have spoken of the system as it existed on paper, but we must always remember that smuggling was so general nd so barefaced that the practical effects of legislation were very different from what they would have been had the law been rigorously enforced. There was some truth in William Knox's assertion : 'It is this new invention of collecting taxes hat makes them burdensome to the colonies and an infringement of their rights and privileges ; and herein it is that Mr. Grenville's administration has proved the aera of the colonies' oss of liberty.' [1] The illegal trade carried on by the colonies with the French during the war had thrown unpleasant light on he practice of the contraband trade ; and, if the provisions of the law were not to be altered, it was reasonable to endeavour o set the system on a sounder footing. The employment of he Navy for the purpose of putting down the contraband rade in the colonies, as well on the coast of Great Britain nd Ireland, was a measure suggested by the experience of the war. Nevertheless, no doubt the naval officers often executed he law in a peremptory and coercive fashion, and in some cases went farther than the law allowed. The British customs service in the colonies had been inefficient and venal. Hutchinson wrote in 1763 : 'The real cause of the illicit trade in this province has been the indulgence of the officers of the customs, and we are told that the cause of their indulgence has been hat they are quartered upon for more than their legal fees, nd that without bribery and corruption they must starve.' [2] In some cases the men appointed remained in England, and

[1] *The Controversy between Great Britain and her Colonies reviewed*, 1769.
[2] *Ibid.*, p. 232.

exercised their offices by deputies. To remedy this Grenville ordered all such officers back to their duties. In 1763 the Lords of the Treasury reported that the income derived from the customs in America was very small and had not increased with the growth of commerce; and the revenue was impaired through neglect, connivance, and fraud.

The chief opposition to the law was in connexion with the Molasses Act of 1733.[1] The object of this law, which imposed prohibitive duties on foreign rum, sugar, and molasses imported into the English colonies, was not to produce a revenue but to obstruct the development of the French islands. Bladen 'owned that he meant them (the duties) as something that should come very near it (absolute prohibition), for in the way the northern colonies are they raise the French colonies at the expense of ours, and raise themselves also too high, even to an independency, of which we have an instance in the people of New England offering to tear a person in pieces for offering to give evidence last year at our bar, had not the Governor rescued him'.[2] Not more than about £800 a year was collected under this statute. At first, indeed, it had remained a dead letter, but, when its violation involved trading with the enemy, energetic measures were taken to stop this illegal trade. George Grenville was in urgent need of obtaining a revenue from America to pay part of the cost of the army of 10,000 men which it was proposed to maintain in America. With this object in view the Sugar Act of 1764 was passed. In form it was an Act imposing duties; but its preamble was ominous of coming storm. 'Whereas,' it said, 'it is just and necessary that a revenue be raised in your Majesty's said dominions in America for defraying the expenses of defending, protecting,

[1] 6 Geo. II, c. 13.

[2] *Hist. MSS. Comm., Egmont MSS., Diary of Lord Percival*, vol. i, p. 336.

and securing the same.' The revenue arising from the Act, less the charges of collection, was to be paid into the imperial Exchequer 'and shall be there reserved to be from time to time disposed of by Parliament towards defraying the necessary expenses of defending, protecting, and securing the British colonies in America'.[1] The Molasses Act was made perpetual, but the duties under it were modified, being reduced from 6*d.* to 3*d.* a gallon[2]: at which figure they produced a substantial revenue. It has already been noted that foreign goods could be shipped from the Mother Country to the colonies on payment of slight duties. The general rule, to which there were some important exceptions, was that all the duties were returned on foreign goods re-exported from Great Britain, except one-half of what was known as the 'old subsidy', originally imposed in 1660; the amount of duty retained being about 2½ per cent. It appears that about one-quarter of the exports from England to the colonies consisted of foreign goods. In 1764 this system was so far altered that foreign goods had to pay the whole 5 per cent. on the value of the goods, which was the amount of the 'old subsidy'.

In 1764 a further change was made in the system of colonial vice-admiralty courts. Such courts had had jurisdiction in all cases involving the Acts of trade since the Navigation Act of 1696.[3] These courts sat without juries and were disliked by the colonists as aliens and intruders. None the less it was found that some of these vice-admiralty courts, influenced by colonial sentiment, refused to condemn vessels engaged in illegal trade with the enemy. Moreover, it was not always clear what cases came within their purview. Under the Act of 1764 power was given to the commissioners of the Admiralty to set on foot a vice-admiralty court for all America,[4] and

[1] 4 Geo. III, c. 15, s. 11.
[2] *Ibid.*, s. 6.
[3] 7 & 8 Will. III, c. 22.
[4] *Ibid.*, s. 41.

a judge of such a court was appointed. The Sugar Act of 1764, no less than the Stamp Act of 1765, was inspired by the same desire, namely, to obtain a larger revenue from the American colonies, and was therefore equally suspect.

Moreover, the use of the Navy for administrative purposes and the appointment of additional British officials served to emphasize the fact of the dependency of the colonies, just at the moment when they were beginning to be conscious of national strength. The vigorous measures taken may indeed be defended on the ground that otherwise the law could not have been executed. Thus a Rhode Island loyalist asserted in 1765, 'when every mild expedient to stop the atrocious and infamous practice of smuggling has been tried in vain, the Government is justifiable in making laws against it'.[1] Although the stricter enforcement of the old colonial system aroused some opposition, it would seem that it was the execution of the Molasses Act, itself an excrescence on the old system, which was the most unpopular. The 1764 measure was objected to, on the ground that it imposed taxation without the consent of the representatives of the colonists. The method and systematic policy of George Grenville set the colonists thinking, and produced systematic theorizing on the other side. Thus James Otis, in his pamphlet *The Rights of the British Colonies asserted and proved*, published in 1764, arrived at the conclusion 'that no parts of His Majesty's dominions can be taxed without their consent; that every part has a right to be represented in the supreme or some subordinate legislature; that the refusal of this would seem to be a contradiction in practice to the theory of the constitution; that the colonies are subordinate dominions, and are now in such a state as to make it best, for the good of the whole, that they should not only be continued in the enjoyment of subordinate legislation,

[1] A. B. Hart, *Am. Hist. told by Contemporaries*, vol. ii, pp. 396–7.

but be also represented in some proportion to their number and estates in the grand legislature of the nation'.[1] In the same spirit Oxenbridge Thacher, in his *Sentiments of a British American*, stated no less than five objections to the recent Act of Parliament. First it was a tax, and a tax laid on the colonies, without the consent of their representatives, a tax, moreover, of peculiar hardship. Secondly, the Act gave an alarming extension to the Courts of Admiralty in America, subverting many of the ancient rights of Englishmen under the common law. Thirdly, the Act gave to the naval commanders dangerous authority over the persons and the goods of British subjects. Fourthly, it gave to the officers of the government in America extraordinary powers, without the usual checks of English law against the wanton exercise of such powers. Lastly, the Act was of danger to British subjects in Great Britain as exhibiting the spectacle of 'a million and a half of British subjects disfranchised or put under regulations alien from our happy constitutions'. What pretence might not this afford to afterministers to treat the inhabitants of the island itself after the same manner? But apart from this the measure was suicidal. The greatest interest of England was her colonial trade; which depended on the ability of the colonies to pay the Mother Country for what they bought of her. The effect of the new legislation would be to force the colonies to stop buying of England merely by taking from them the commercial facilities under which they had hitherto acquired the means of paying England. Henceforth either they would manufacture their own goods or they would go without them. In any case England would have lost her best customers, and her chief trade would be ruined.[2] If such language represented the views of many in the colonies, as was assuredly the case,

[1] 1767 ed., p. 65.

[2] M. C. Tyler, *The Literary Hist. of the Am. Revolution, 1763–83*, 1897, vol. i, pp. 54–5.

it seems clear that whatever may be the truth with regard to the old colonial system of regulating trade, the measures adopted by George Grenville to improve and simplify the administration of the law were in America regarded as invasions of colonial autonomy and did prepare the way for the coming disruption.

The effect of the Mercantile System as a whole in promoting disunion may have been exaggerated by writers in the past; but it is possible that some American historians of to-day, in their reaction from the exaggeration and highfalutin of a past generation, are a little inclined to bend the bow the other way, and to minimize causes of difference, which, though they might be justified in abstract theory, in practice tended to emphasize the distinction, which it was the business of imperial statesmanship to efface, between the Englishman domiciled in England and the Englishman domiciled on the farther side of the Atlantic Ocean. Whatever might be said in favour of the Navigation Acts, there was always the damning fact that they had been enacted by a legislature in which the colonists had no voice or part. The *pacte colonial* had been settled by only one of the parties concerned with the agreement.

4

The Stamp Act

We have traced some of the more remote causes which tended to promote the disintegration of the Empire and weakened its powers of cohesion. But granting the importance of all these we cannot deny that it was on the question of taxation that the final rupture took place. The consequences of the ill-fated Stamp Act were so disastrous that it is difficult to approach in cold blood the policy of which that Act was the outcome;

and yet undoubtedly at the time there was not a little to be said for George Grenville's proposals. The Stamp Act was only part of a general scheme of measures, which were to put on a more business footing the relations between Great Britain and her colonies. Assuredly a system was bad under which it cost some £7,000 or £8,000 to collect a revenue of from £1,000 to £2,000. The Navigation laws may or may not have been wise, but, unless they were to be repealed, it was surely reasonable that they should be enforced. Still, as I have said, the attempt to put down smuggling by means of ships of the Royal Navy undoubtedly caused great dissatisfaction and made more natural the coming struggle. Undoubtedly it was the connexion between the assertion of abstract rights and their unexpected enforcement which especially alarmed the colonists. Governor Bernard wrote from Massachusetts that the publication of orders for the strict execution of the Molasses Act which forbade trading with the French sugar islands had caused a greater alarm than the disaster at Fort William Henry during the Seven Years War.[1] So far as the new system meant the bringing order and rule into the slovenly and chaotic system of English administration it was all to the good. It was right that the customs officers should be ordered back to their posts and not be allowed to idle away their time in England. We may judge of the tone of the time by the suggestion of Lord Holland that an actor who had eloped with his niece should be provided for by being made Controller of the Customs at New York.[2] In opposing such methods of business Grenville was serving his country. Unfortunately, however, he did not stop there, but carried into effect measures which, though at various times proposed, had been hitherto always rejected. To understand the situation it is necessary to realize the character both of

[1] *Select Letters on Trade and Government of America.*

[2] *Grenville Papers*, vol. ii.

George Grenville and of the forces by which he was opposed. Grenville's portrait has been drawn once and for all by Burke in his speech on American taxation in words which should be familiar to every one. Grenville belonged to the ranks of politicians who cannot, in Disraeli's memorable words, rise above *nisi prius*; and was altogether lacking in that quality which is the touchstone of great statesmanship, the quality of historical imagination. For if he had had this insight into the situation in America, what would have arrested his attention? There is a very striking and suggestive passage in Hutchinson's history of Massachusetts which describes the new feeling of confidence and nationhood, which came upon the American provinces after the close of the Seven Years War. Their horizon was expanding. They were already beginning to look forward to that westward progress which was to bring them to the Pacific. 'Men whose minds were turned to calculation found that the colonies increased so rapidly as to double the number of inhabitants in a much shorter time than had been imagined. From the number of inhabitants then in the several colonies and a supposition that for the time to come they might increase in the same proportion as in the time past, the colonies would soon exceed the parent State. These considerations did not, themselves, immediately occasion any plan, or even a desire, of independence. They produced a higher sense of the importance and grandeur of the colonies. Advantages in any respect enjoyed by subjects in England, which were not enjoyed by the subjects in the colonies, began to be considered in an invidious light, and men were led to inquire with greater attention than formerly into the relation in which the colonies stood to the State from which they sprung.'[1]

No moment assuredly could have been more ill-chosen, if

[1] *The Hist. of the Province of Massachusetts Bay from 1749 to 1774*, 1828, pp. 85–6.

the object aimed at were the continuance of good relations, to embark upon a new policy of drastic interference with colonial affairs. The Molasses Act of the fourth year of George II had indeed, in its preamble, spoken of giving and granting the duties to the Crown; but the Act was in fact a Trade Act, as its title showed. It was called an Act 'for the better securing of the trade of his Majesty's sugar colonies in America'. In the words of Governor Bernard 'it was an Act of prohibition, not of revenue'. But the Stamp Act of 1765 belonged to a wholly different category. Bernard admitted that 'It must have been supposed such an innovation as a parliamentary taxation would cause a great alarm, and meet with much opposition in most parts of America; it was quite new to the people and had no visible bounds set to it.'[1] We have already seen that the proposal to tax the colonists was no new one. Bladen, a member of the Board of Trade, wrote in July 1726: 'All that has been said with respect to the improvement of the plantations will, it is supposed, signify very little, unless a sufficient revenue can be raised to support the needful expense, in order to which it is humbly submitted whether the duties of stamps upon parchments and papers in England may not with good reason be extended by Act of Parliament to all the American Plantations.'[2] The same advice was given in 1733 to Sir R. Walpole by Sir William Keith, a place-hunter who had been Governor of Pennsylvania, and is said, according to Lord Chesterfield, to have elicited from him the famous reply: 'I have old England set against me, and do you think I will have New England likewise?'[3] Six years later, when the same proposal was made, he remarked: 'I will leave that to some of my successors who may have more courage than I have and be less a friend to commerce

[1] *Select Letters on Trade and Government of America.*

[2] *North Carolina Records*, vol. ii, p. 635.

[3] Coxe's *Life of Sir R. Walpole*, vol. iii, p. 343.

than I am.'[1] That the difficulty to be met was a serious one no one who has read the history of the American colonies during the eighteenth century will deny. It was all very well for Benjamin Franklin to represent before the House of Commons committee of 1766 that under the old system things had worked always smoothly. According to him: 'The ancient established and regular method of drawing aid from the colonies was this: the occasion was always first considered by the Privy Council, who directed the Secretary of State to write circular letters to the several governors, who were directed to lay them before their assemblies. In those letters the occasion was explained to their satisfaction, with gracious expressions of his Majesty's confidence in their known duty and affection, on which he relied that they would grant such sums as should be suitable to their abilities, loyalty and zeal for his service; that the colonies had always granted liberally on such requisitions and so liberally during the late war, that the King, sensible they had granted much more than their proportion, had recommended it to Parliament five years successively to make them some compensation, and the Parliament accordingly returned them £200,000 a year to be divided among them.'[2] It is true that under the magic of the great Pitt's influence the New England colonies gave most valuable support during the Seven Years War, and that, if there had always been a Pitt to carry on negotiations with the colonies, the difficulty might have been surmounted. Still under the most favourable circumstances there was always the question: How was it possible to bring the backward and shirking colonies into line with those which were forward and prompt for action, and to make those less directly concerned come to the aid of the menaced interests of others?

[1] *Annual Register*, 1765, p. 25.

[2] Letter of 12 March 1778 to William Alexander, *Memoirs of B. Franklin*, vol. i, p. 322.

Franklin himself had written in 1764: 'It is very possible that the Crown may think it necessary to keep troops in America henceforward, to maintain the conquests and defend its colonies, and that the Parliament may establish the revenue arising out of the American trade to be supplied towards supporting those troops. It is possible too that we may after a few years' experience be generally very well satisfied with that measure.' [1] So far from all having gone well in the best of all possible worlds, the Massachusetts General Court itself had given vigorous expression to their sense of the injustice which the old system entailed. 'We are told', they said in 1759, 'that we are the leading province. We have been so many years past, and we have been as long unequally burdened. We have borne it patiently, although we have seen our inhabitants leaving us and removing to other governments to live more free from taxes, and a few years ago for this reason alone four of our principal towns refused any longer to submit to our jurisdiction, and another government found a pretence for receiving them, and they are not yet returned to us.' [2] Just before the outbreak of the Seven Years War we find the English Secretary of State writing (5 July 1754): 'It is with great concern his Majesty sees the unwillingness of his subjects under your government (i.e. New York) to exert themselves in what has now become so essentially the common cause of all the colonies.' [3] The Board of Trade also wrote on the same day: 'It seems to be the opinion and is the language of almost every colony that a general union of strength and interest is becoming absolutely necessary.' [4] It was for this reason that the famous General Colonial Congress of 1754 was welcomed by all parties. In that Congress it was

[1] *Works*, ed. by A. H. Smyth, vol. iv, pp. 237–8.

[2] P. R. O., America and West Indies, Corr. from Governors in America, 72.

[3] *Documents relating to the Col. Hist. of New York*, vol. vi, p. 845.

[4] *Ibid.*, p. 846.

unanimously agreed 'that the said colonies being in a divided, disunited state, there has never been any joint exertion of their force or counsels to repel or defeat the measures of the French, and particular colonies are unable and unwilling to maintain the cause of the whole.'[1] It was to remedy this evil that Franklin's plan of union was evolved. Under this a grand council, representing the various provinces in due proportions, was to have the power to make laws and lay and levy general duties for the purposes of general defence. The Board of Trade was also in favour of some plan of union. 'The necessity of this union', they wrote, 'and the security and advantage which will arise to the Colonies from it are so apparent that we hope no difficulty will occur on their part. If, however, it should be found upon trial that this measure should be defeated by any of the colonies either refusing or neglecting to enter into the points referred to their deliberation; or, after they are settled, by refusing to raise such supplies as are proposed by this plan to be the fund for the execution of it, we see no other method that can be taken but that of an application for an interposition of the authority of Parliament.'[2] It is very instructive to read the opinion of Governor Shirley of Massachusetts upon the Albany plan of union. Shirley was by adoption a loyal New Englander, and though somewhat conceited, a shrewd and capable observer. He wrote:

'As to the plan of the proposed union agreed upon by the Commissioners in order to be laid before their respective constituents for their consideration . . . they had no expectation that it will have any effect, nor could any proper plan be formed, I apprehend, in which the several governments would unite; their different constitutions, situations, circumstances and tempers will ever be found an invincible obstacle to their agreement upon any one plan in every article, or (if they should

[1] *Documents relating to the Col. Hist. of New York*, vol. vi, p. 887.

[2] *Ibid.*, p. 902.

ever happen to agree upon one), to the duly carrying it into execution.

'It appears from that part of the proposed plan framed at Albany which provides that it shall be established by Act of Parliament, that the opinion of the Commissioners then present was that nothing under the force of that would effect such a union, and what seems to give weight to their opinion is that the Crown's recommendation of the union proposed in King William's reign among several of the colonies for their mutual defence, and the quotas of men and money allotted to each government to pay, never had the least effect as I can learn.

'However, though the Commissioners have failed for want of sufficient powers to perfect a union among the colonies at their Congress, yet they have made a great progress in concerting the proper measures for effecting one, and discovering the absolute necessity for its being done without delay; and their several determinations upon this point seem to have paved the way clearly for his Majesty's ordering a plan of union to be formed at home, and the execution of it enforced here by Act of Parliament, if that shall be agreeable to his royal pleasure.' [1]

Again Shirley wrote a little later:

'I find by the Western prints that the Assembly of Pennsylvania after an absurd obstinate dispute with Governor Morris about instructions have adjourned themselves, whilst the enemy is at their doors, to the beginning of May without doing anything for the preservation of their country. The Assembly of Maryland has likewise risen, without doing anything farther than having raised a company of fifty men which was done before. I can't find any appearance of South Carolina being active in the common cause; and whether the populous rich country of Virginia will pursue the proper measures for retrieving the bad consequences of the defeat they have suffered from an invading enemy through their former weak measures . . . is not yet known. Every ninth fighting man went out of the province of Massachusetts Bay upon the expedition against Cape Breton and for the defence of Nova Scotia in 1745, why

[1] *Corr. of W. Shirley*, vol. ii, pp. 112–13.

should not every twelfth fighting man at least in Virginia be raised there to repel the enemy out of their country, which could make a body of between 4 and 5 thousand men? You well know, Sir, the part New Jersey has acted, and the conduct of New York.

'This behaviour seems to show not only the necessity of a Parliamentary union, but of taxation, for the preservation of his Majesty's dominions upon this continent, which the several assemblies have in so great a measure abandoned the defence of, and thereby laid his Majesty's Government at home under a necessity of taking care of it for the State, by suitable assessments upon the Colonies.' [1]

Upon the 27th March 1756 the Assembly of New York resolved that the scheme proposed by Governor Shirley was well concerted and should be accepted.[2] In 1756 Shirley proposed that provision should be made by establishing a general fund to which each colony should contribute according to its abilities. As the several assemblies would never agree upon such general fund the business would have to be done in England by Act of Parliament 'in which', he wrote, 'I have great reason to think the people will readily acquiesce. Each colony should be assessed in a sum certain according to its abilities; the best mode of computing such ability being the number of the rateable white males—and of the blacks within its area. For the general satisfaction of the people it would be advisable to leave to the individual colony the method of raising its proportion of the fund whether by a stamp duty or otherwise.' [3]

[1] *Corr. of W. Shirley*, vol. ii, pp. 123–4.

[2] Knox, W., *Controversy between Great Britain and the Colonies*, p. 75. But note the language of Franklin in December 1754, writing to Shirley: 'Compelling the colonies to pay money without their consent would be rather like raising contributions in an enemy's country than of taxing of Englishmen for their own public benefit. It would be treating them as a conquered people and not as true British subjects' (*Corr. of W. Shirley*, vol. ii, p. 104).

[3] Quoted by Knox, *op. cit.*, p. 76.

So far then as the object was to secure a fair equality in the payment made by the various colonies there was some justification for Grenville's proposals. At the same time there was profound wisdom in Horace Walpole's remark: 'Both policy and humanity, in this great contest between Britain and her colonies, should rather use their efforts to reconcile their interests than to pronounce between them;'[1] and with the conquest of Canada and the ceasing of the French danger, the necessity for action had greatly diminished, and assuredly it would have been well for Grenville to lay to heart warnings such as those addressed by Governor Clinton from New York in 1744. He had been shown a scheme for establishing by Act of Parliament duties upon Stamp Papers and parchment in all the British and American colonies, and he wrote: 'The people in North America are quite strangers to any duty but such as they raise themselves, and was such a scheim to take place without their knowledge it might prove a dangerous consequence to his Majesty's interest.'[2] But such warnings remained unheeded in the dusty pigeonholes of the Board of Trade, and George Grenville advanced with a light heart to the parting of the ways.

In the winter of 1763–4 he called together the agents of the several colonies and told them of his intention to draw a revenue from America. He added that his plan was to levy a stamp duty in the colonies, but that if any other means of securing a revenue appeared more expedient to them that he would be glad to consider it. The agents were therefore directed to write to their respective assemblies and to communicate the answers they might receive. This course was intended to be conciliatory, but in its results it was disastrous to British interests.[3] It enabled an agitation to be organized beforehand in the colonies,

[1] *Memoirs of the Reign of George III*, 1894 ed., vol. ii, p. 54.

[2] *Documents relating to the Col. Hist. of New York*, vol. vi, p. 268.

[3] *Annual Register*, 1765, p. 33.

so that when the Stamp Act was finally enacted, resistance to it had been already carefully prepared. Instead of regarding Grenville's action as a compliment the colonies viewed it as an affront. Not one of them authorized its agent to consent to a Stamp Act or to offer any compensation in its stead. Some of them already took the line that the British Parliament possessed no authority or jurisdiction over their properties.

But the danger to be feared from America was little apprehended and there seemed nothing to forbid the introduction of a measure which could be plausibly defended. It was held that American taxation could be justified on the broad principle that support was in the nature of things due, in return for protection. It was common ground that the defences of America entailed considerable cost; it was therefore held reasonable that the colonists should be compelled to contribute their share to such cost. Such being the general temper of the House the Stamp Act was passed with little or no criticism of it. There was only one division in its passage through the House of Commons, and in that the minority did not amount to more than forty. Pitt was away ill, and the only voice raised in opposition was that of Colonel Barré, who spoke with such violence and acrimony as probably to alienate doubtful voters. The Stamp Act to the ordinary Englishman appeared an event of slight importance in the history of the session of 1765. In America, however, the case was very different, and here from the first the full importance of the crisis was generally realized. There were not indeed wanting some who maintained the right of Parliament to tax the colonies. A distinguished Rhode Island lawyer, Martin Howard, under the signature of 'a gentleman from Halifax' maintained that the colonies having no rights independent of their Charters, they could claim no greater powers than those which such Charters gave; these remaining amenable to Parliamentary jurisdiction. Such views, however,

were not generally held by those who represented the opinion of the colonists. At this stage of the controversy the widely accepted theory was that there was a clear distinction between external and internal taxation and that the Parliament of Great Britain had the right to deal with the one but not with the other. This view was fiercely maintained by Pitt in the debate on the repeal of the Stamp Act. 'The British Parliament,' he said, 'as the supreme governing and legislative power, has always bound them (the colonists) by her laws, and by her regulations of their trade and manufactures, and even in a more absolute interdiction of both. The power of Parliament, like the circulation from the human heart, active, vigorous, and perfect in the smallest fibre of the arterial system, may be known in the colonies by the prohibition of their carrying a hat to market over the line of one province into another; or by breaking down a loom in the most distant corner of the British empire in America; and if this power were denied I would not permit them to manufacture a lock of wool, or form a horse-shoe, or a hobnail. But I repeat the House has no right to lay an internal tax upon America, that country not being represented.' . . . 'If the gentleman can not understand the difference between internal and external taxes I cannot help it; but there is a plain distinction between taxes levied for the purposes of raising a revenue, and duties imposed for the regulation of trade for the accommodation of the subject; although in the consequences some revenue might incidentally arise from the latter.' [1] On this point the common sense of the matter was declared by Burke in his great speech on American taxation of the 19th April 1774, in a passage wherein he clearly showed that such a distinction could not be supported on logical grounds but could only be justified on grounds of expediency. The excuse

[1] Bancroft, *Hist. of the United States*, new ed., 7 vols., n.d., vol. iv, pp. 272–3, 277 (quoting report by Moffat of Rhode Island, who was present).

for binding the Americans by laws of trade was that such had been the practice in the past. The reason for not taxing them was that the British Parliament had not been used so to do.

'But if intemperately, unwisely, fatally you sophisticate and poison the very source of government, by using subtle distinctions and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued into slavery.'

It is clear from the above passage, which may be taken as admirably typical of the whole mind of Burke, that he had little belief in the abstract in the distinction between internal and external taxation. He would probably not have denied that the reservation of the rights of Parliament to impose laws in the Pennsylvania Charter, which was (with the exception of Georgia) the only American colony founded after Parliament had made good its position, tended to show that in theory Parliament had not forgone its powers. The words of that Charter are as follows: 'We, Our heirs and successors shall at no time hereafter set or make or cause to be set any imposition, custom or other taxation . . . unless the same be with the consent of the Proprietary or Chief Governor and Assembly, or *by Act of Parliament in England*.' Burke indeed made his own position quite clear. He held that the Parliament of Great Britain sat at the head of the Empire in two capacities. It was the local legislature of Great Britain providing for all things at home immediately and by no other instrument than the executive power. But it was also an imperial Parliament which superintended all the several legislatures and guided and controlled them all without annihilating any. According to this

view the power of Parliament must be boundless, but exercised under strict reserve. In the last resort, if the colony refused to bear its share, Parliament might say: 'Tax yourselves for the common supply, or Parliament will do it for you.' But this power should only be exercised at the very last resort. The power of taxing in Parliament was thus considered as 'an instrument of empire, and not as a means of supply'.

Apart from the special merits of the argument, it is worth dwelling on Burke's position, because it brings out the special characteristics of perhaps the greatest intellect which has ever concerned itself with the details of party politics. Throughout his political life Burke was always a strong partisan, no doubt often prejudiced, but through all his utterances there is found a systematic philosophy of politics such as is nearly always absent from the hand-to-mouth arguments of practical statesmen. There has been much discussion of the question whether Burke himself changed his mind in his very different attitudes towards the American and towards the French revolutions. It seems clear that his own position was consistent throughout. What especially provoked him in the French Revolution was the *a priori*, doctrinaire character of its leaders; but this *a priori*, doctrinaire manner of judging matters he held to be the characteristic of those who at the earlier period opposed the claims of America. It is impossible to read carefully the speech on American taxation without realizing the attitude of respect for the historic past, of profound conservatism, because the present is so closely bound up and connected with the past, which is the keynote to Burke's philosophy. The presence in Burke of a romantic imagination and of a style which grew more and more gorgeous with advancing age must not blind us to the fact that he is the most philosophical of statesmen or orators. If, even at the present day, it should be sought to deduce a philosophy of conservatism, it is from Burke that such

an apologia must be to a great extent culled. This, however, is by the way. What we have here to note is that the most profound of practical statesmen rightly recognized that it was not in the field of abstract rights that the discussion could profitably be carried on.

The Stamp Act was a direct assertion of authority, and from any point of view its enactment was singularly unwise, unless indeed a wholly different system of government was intended or feasible. The Government had had fair warning what would be the feeling in America on the subject. In 1764 the Assemblies of Massachusetts and New York passed resolutions and presented petitions against the enactment of stamp duties. These petitions were sent to the Board of Trade and laid before the Privy Council, who advised that they should be presented to Parliament; but this was never done. The colonists took up the firm ground that, inasmuch as they were not represented in the Parliament of Great Britain, that Parliament had not the right to tax them. They themselves were the judges of their own ability. The Stamp Act was asserted to be an infraction upon the natural inherent constitutional rights of Englishmen, wheresoever they might be. It is unnecessary blindly to accept all the arguments put forward by the Americans. Thus the Virginia House of Burgesses resolved that the first adventurers brought with them and transmitted to their descendants all the liberties that 'have, *at any time*, been held by the people of Great Britain'; the contention apparently being that, whilst the British Parliament could not enforce obligations on the colonists, if it conferred benefits on the British people, such benefits were naturally shared by the colonies. The most ominous feature of the agitation was that it drew together those whose estrangement had been so long notorious. It had always been held that the diversity between the various colonies was so great, that it would be impossible for them ever to close their

ranks in union. At last, under the goad of necessity, that which Franklin and other shrewd observers had declared to be impossible, had achieved itself, and the colonies were forming in line for common defence. New York, Pennsylvania, South Carolina, and New Jersey shared the feelings of the ancient colonies of Virginia and New England. Even quiet Maryland was armed. The Stamp Act was printed and cried about the streets of New York under the title 'the folly of England and the ruin of America'.

It is clear that rivalry between the different provinces served to whet opposition. Virginia had taken the lead in uttering its protest. On the 29th May 1765 the House of Burgesses passed resolutions which declared the equality of British subjects before the law. They asserted the right of being governed by their own Assembly in the articles of taxation and internal policy, and declared that this right had never been forfeited or abandoned. The Governor dissolved the Assembly; but the new House was composed of men of the same or of even more advanced opinions. Governor Bernard in vain (25 September 1765) pleaded before the Massachusetts Court the case of Great Britain. 'I have only to say that it is an Act of the Parliament of Great Britain, and as such ought to be obeyed by the subjects of Great Britain. And I trust that the supremacy of that Parliament over all the members of their wide and diffused Empire never was and never will be denied within these walls. The right of the Parliament of Great Britain to make laws for the American colonies, however it has been controverted in America, remains indisputable at Westminster. If it is yet to be made a question, who shall determine it but the Parliament? If the Parliament declares that this right is inherent in them are they likely to acquiesce in an open and forcible opposition to the exercise of it? Will they not more probably maintain such right and support their own authority? Is it in the will, or in

the power, or for the interest, of this province to oppose such authority?'[1] The House of Representatives met him with a note of defiance and the proposal of a General Congress of all the colonies.

The General Congress which had been agreed upon met at New York on the 19th October 1765. Virginia was not represented, as the Governor had prorogued the Assembly. Neither was New Hampshire nor Georgia. Delegates, however, came from Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina. The resolutions of the Congress recognized their allegiance to the Crown and 'due submission' to the British Parliament. It was asserted that the colonists were not and, from their local circumstances, could not be represented in the House of Commons. That thus the only representatives of the colonists were persons chosen by themselves and that no taxes ever had been or could be constitutionally imposed on them, except by their respective legislatures. All supplies to the Crown, being the free gifts of the people, it was unreasonable and inconsistent with the principle and spirit of the British Constitution for the people of Great Britain to grant to the Crown the property of the colonists. It was maintained that the colonies already contributed very largely to the imperial revenue by means of the profits on their trade.[2] At the same time separate addresses to the King, Lords, and Commons were drawn up, couched in the most respectful and moderate language.[3] But nothing was to be gained by appeals to England, and the only question was what attitude would be maintained by the different parties in the presence of the Act when its enforcement was attempted.

The most effectual weapon in the hands of the opponents of

[1] Hutchinson, *op. cit.*, pp. 467–8. [2] Macdonald, *op. cit.*, pp. 314–15.
[3] Hutchinson *op. cit.*, pp. 481–3, 483–4, 485–8.

the Stamp Act was the resolution taken not to consume English goods. The merchants entered into the most solemn engagements with each other not only not to order any more goods from England, let the consequences be what they would, and recall the orders already given, but not even to dispose of any British goods sent them on commission. The inconvenience and discomfort was great to the American merchants, but the loss which fell on the British shippers was far heavier. We shall see that this action of the American merchants was the real cause of the subsequent repeal of the Stamp Act.

We have already noted the extreme weakness of the English Executive in the colonies. The Governor practically stood alone. The provincial officials, being paid by the Assembly and in its power, naturally looked upon its members as their masters, and were not likely to risk their own ruin by embarking upon a defence of British interests. The decree had gone forth that the Act was to be boycotted, that is to say that no use was to be made of instruments requiring the stamps. It came into force on the 1st November, and in Massachusetts especially it soon became apparent that the result would be a deadlock. For five or six weeks no business was done in the Customs House or in the Courts of Law. No wills were proved, no administrations were granted, no deeds or bonds were executed, nor any business of any kind transacted where stamped deeds were necessary. In Hutchinson's words 'timidity pervaded both legislative and executive powers'. Every attempt met with success, which forwarded the determined design of compelling all officers within the province to pay no regard to the Stamp Act.

Nor were the colonists content with passive opposition. There was always a certain amount of latent lawlessness in Boston, which now found open expression. A riotous mob wrecked the house of Chief Justice Hutchinson, the Lieutenant-

Governor, who was falsely supposed to have advised the Stamp Act. A valuable collection of public as well as private papers was thus destroyed. For a whole night the town was in the hands of the mob, the magistrates and militia standing by as unconcerned spectators.

The same spirit of opposition to the act manifested itself throughout the colonies. Lt.-Governor Fauquier wrote from Virginia:

'Government is set at defiance not having strength enough in its hands to enforce obedience to the laws of the community. The private distress, which every man feels, increases the general dissatisfaction at the duties laid by the Stamp Act, which breaks out and shows itself upon every trifling occasion.'

General Gage the Commander-in-Chief wrote from New York:

'It is difficult to say from the highest to the lowest who has not been accessory to this insurrection, either by writing or mutual agreements to oppose the Act, by what they are pleased to term all legal opposition to it. Nothing effectual has been proposed either to prevent or quell the tumult. The rest of the provinces are in the same situation, as to a positive refusal to take the stamps and threatening those who shall take them to plunder and murder them; and this affair stands in all the provinces that, unless the Act from its own nature enforces itself, nothing but a very considerable military force can do it.' [1]

Whatever our opinion of the Stamp Act, we can still recognize that the open failure of the Government to enforce the law was a disquieting feature of the situation. It was of ill omen that the collectors appointed under the law were throughout the colonies coerced into resigning their offices. There was force in the contention of the Peers, who protested against the repeal of the Stamp Act, that such repeal, while the resistance continued, would make the authority of Parliament contemptible

[1] Quoted by Burke in 'Speech on American taxation'.

ever after. 'We are convinced,' they said, 'from the unanimous testimony of the governors and other officers in North America that if, by a most unhappy delay and neglect to provide for the due execution of the law . . . these disturbances had not been continued and increased, they might easily have been quieted before they had attained to any dangerous height.' It was certainly true that to yield to the colonists now would make more difficult the task of resistance on some subsequent occasion.

The situation was indeed one of great difficulty and danger. Without thinking out the consequences and without preparing measures to vindicate, if necessary, their claims, the Home Government found itself in a dilemma where to go on spelt anarchy and to retire spelt disgrace. In the circumstances the Rockingham ministry, which attained to power on the dismissal of Grenville, was no doubt right to repeal the Stamp Act. Considering that the members of the ministry for the most part believed it to have been both unnecessary and unjust, it could scarcely be expected that they should retain it merely in vindication of law and order. None the less, just as the Stamp Act itself was a contributing cause to the future troubles, so the very measure which was meant to be conciliatory in itself also made for disunion. The object lesson of the weakness of the British Executive, of the paralysis of the forces of law and order, was no doubt laid to heart by many who made good use of it on future occasions. Governments are like people living on the slopes of a volcano; but, whenever signs of eruption appear, woe betide the man who goes on as though nothing was happening. But this was the fatuous line taken by the British Government in the face of a solemn warning.

The general conclusion, then, is that, though the policy of which the Stamp Act was the embodiment could be defended with specious arguments, the practical difficulties in the way would have warned back a wise statesman. Had it been deliber-

ately intended to carry through the new policy, the first step should have been to strengthen the British Executive. As it was, the whole attempt only served to illustrate the impotence of the Home Government. But, while the Stamp Act was a blunder, its repeal was not without attendant dangers. It is never wise for governments to allow that there is something stronger than the law. Moreover, such good as might have resulted from a change in the spirit of the British Government was thwarted by the fact that the new ministry had no power behind it, and that it was a mere stopgap tolerated until the king could find a successor. A policy of coercion was possible, though it would have demanded more effort than British statesmen were inclined to exert in American affairs, a policy of conciliation was still possible, though the sands of the hour-glass were running out, but there was no room for a policy of hesitation and uncertainty which, while it taught the colonists the secret of their strength, was unable to bind them by the links of genuine friendship.

5

Drifting towards War

For the time being, at any rate, it seemed as though the repeal of the Stamp Act had brought about peace. John Adams wrote in his diary (11 November 1766) that it had hushed into silence almost every popular clamour and composed every wave of popular disorder into a smooth and peaceful calm.[1] Burke, in his speech on American taxation, affirmed that so sudden a calm recurring after so violent a storm was without a parallel in history; and the testimony of Hutchinson is to the same effect. He emphatically declares that the

[1] *Works*, vol. ii, p. 203.

Declaration Act which accompanied the repeal, affirming the abstract right of Parliament to tax the colonies, 'caused no alloy of the joy and was considered a mere naked form.' [1]

At best, however, the repeal gave a breathing space of which advantage could be taken. The old suspicions were suspended, not removed. Dr. Mayhew, an active Congregational Minister, wrote to Otis: 'Would it not be proper and decorous for our assembly to send circulars to all the rest on the late repeal of the Stamp Act and the present favourable aspect of affairs . . . expressing a desire to cement and perpetuate union among ourselves by all laudable methods? . . . It is not safe for the colonies to sleep; for it is probable they will always have some wakeful enemies in Great Britain.' [2]

But what chance was there of a new spirit prevailing in the councils of Great Britain? How little the importance of the American question had been realized there is shown by the fact that in the memorandum drawn up by the Duke of Cumberland with regard to a new ministry to replace that of George Grenville no mention is made of the Stamp Act.[3] Nor did even the king, who had been the first fully to realize the gravity of what had been happening in America, discuss the question with Chatham when he called him to his councils. He had written to Conway in December 1765, 'I am more and more grieved at the accounts of America. Where the spirit will end is not to be said. It is undoubtedly the most serious matter that ever came before Parliament. It requires more deliberation, candour and temper than I fear it will meet with.' [4] And yet it was the aider and abetter of the mischief that he now welcomed as first minister. In point of fact it had been distress in England

[1] *Op. cit.*, p. 147.
[2] Tyler, *op. cit.*, vol. i, p. 139.
[3] *Memoirs of the Marquis of Rockingham*, by Lord Albemarle, vol. i, pp. 185–203.
[4] *Ibid.*, p. 256.

and not a change of mind that had caused the king to assent to the repeal of the Stamp Act. Large sums were owing in the colonies to the British merchants. These debts, amounting to several millions sterling, the Americans had become unable, as well as unwilling, to pay. The existence of this load of debt, coupled with the stagnation of trade occasioned by the cessation of the American demand, led to great depression. Manufacturing was at a standstill, commerce was almost extinct, provisions were very dear, and there was a numerous and growing body of unemployed. In this state of things the manufacturing and trading interests brought pressure to bear on the ministry; and it was undoubtedly regard for their interests, rather than sympathy with the Americans, that led both the king and a Parliamentary majority to acquiesce in the repeal of the Stamp Act.

The Rockingham ministry may have deserved the eulogies showered on them by Burke in the *Annual Register*; but they had not gained the confidence of the king, and without that confidence their period of office was of necessity short-lived. It is not the least melancholy incident in a melancholy story that Chatham and George III, who differed so completely in all other respects, possessed this bond of sympathy that the aim of both was to overturn the Whig oligarchy that was for so long the dominant factor in English politics. What George III would have thought of genuine representative government, had he been confronted with it, we can easily surmise; but it is only fair to recognize that his immediate enemy was not government of the people by the people, but government by the Duke of Newcastle or some one of the same type. (It is significant that the Rockingham ministry had felt bound to have as its nominal chief that amiable figurehead.)

George III and Chatham were thus agreed in the necessity of forming a ministry that should break free of the Whig trammels;

though doubtless they held very different views as to whose should be the directing mind in the new departure. The description given by Burke of that 'checkered and speckled' administration with its 'tesselated pavement' of 'patriots and courtiers, King's friends and republicans, Whigs and Tories, treacherous friends and open enemies' is known to most of us; but it must be remembered that Burke was the author of the ablest defence of party government ever written; and that he could never forgive Chatham his lapse from Whig orthodoxy. He regarded him much as a strict grammarian would have regarded Sigismund.

But whatever else is doubtful this much is clear, that a Ministry of this kind required a strong hand at the helm, if it was to escape rocks or shipwreck. Meanwhile the conduct of the Americans themselves did not tend to clear the way for conciliation. The Massachusetts Assembly, indeed, passed a law granting compensation for the sufferers by the riots, but coupled with it a free pardon to all offenders.[1] Moreover a new occasion of strife arose from the reluctance of the colonies to furnish quarters and board to the British troops, according to the provisions of the British Act of Parliament. The New York Assembly passed an act omitting certain items on the ground that they were not provided for troops lodged in barracks in England. The New Jersey Assembly informed the Governor that they looked upon the Act for quartering soldiers in America to be virtually an Act for imposing taxes in the colonies, and similarly in Massachusetts the Act was described as open to the same objections that had been brought against the Stamp Act.

Again, in England the behaviour of the colonists was rendering more difficult the position of the Government. 'America,' Chatham wrote to Shelburne (3 February 1767), 'affords

[1] Hutchinson, *op. cit.*, pp. 157–60.

a gloomy prospect. A spirit of infatuation has taken possession of New York. Their disobedience to the Mutiny Act will *justly* create a great ferment here, open a fair field to the arraigners of America, and leave no room to any to say a word in their defence. I foresee confusion will ensue. . . . The torrent of indignation in Parliament will, I apprehend, become irresistible; and they will draw upon their heads national resentment by their ingratitude, and ruin, I fear, upon the whole state by the consequences.' [1]

But Chatham was now only the shadow of the Great Commoner, and henceforth a mysterious malady, a combination of gout and nerve trouble, almost completely incapacitated him for all business. It is true that Shelburne, his friend and follower, was Secretary of State for the Southern Department, which dealt with American affairs; but Shelburne was not strong enough to resist the wishes of the king and was remarkable for exciting the distrust of his colleagues and other people; whilst the Duke of Grafton, Chatham's other faithful adherent, was wanting in brains and character. In this state of things the direction of affairs fell to the brilliant and dangerous Charles Townshend. In January 1767, on the Army vote, while seeming to ridicule the distinction between external and internal taxation, he pledged himself to find the money required for the troops quartered in America by external taxation. His colleagues noted his language with dismay; but, in the absence of Chatham, no one cared to bell the cat and to insist upon Townshend's resignation. The opportunity having passed, the dissentient ministers had either themselves to resign or to acquiesce in their colleague's policy. In choosing the latter course they became responsible for measures which helped to wreck the first British Empire.

The country gentlemen in the House of Commons had

[1] *Chatham Corr.*, vol. iii, pp. 188–9.

played their part by reducing the Land Tax from 4*s.* to 3*s.* in the £; and Townshend sought at once to please them and to preserve Chatham's distinction by laying port duties in America on glass, lead, paper, paint, and tea.[1]

'To render the tax palatable to the partisans of American revenue,' Burke said, 'he made a preamble stating the necessity of such a revenue. To close with the American distinction this revenue was *external*, or port, duty. But, again, to soften it to the other party, it was a duty of supply. To gratify the colonists, it was laid on British manufactures. To satisfy the merchants of Great Britain, the duty was trivial, and except that on tea (which touched only the devoted East India Company), on none of the grand objects of commerce. To counter-work the American contraband, the duty on tea was reduced from a shilling to threepence; but to secure the favour of those who could tax America, the scene of collection was changed and it was levied in the colonies.'

If these duties, Hutchinson maintained, had been paid upon exportation from England and applied to the purpose proposed, there would not have been any opposition made to the Act.[2] Inasmuch, however, as these purposes included not merely military defence but the 'making a more certain and adequate provision for defraying the charge of the administration of justice and the support of civil government', it is doubtful how far the Americans would have acquiesced in such invasion of their power to keep a check upon their officials. In any case, the distinction between external and internal taxation made no appeal to the American mind. The real distinction was between duties enforced for the regulation of trade and duties the object of which was to raise a revenue. The latter, whether external or internal, were equally objectionable. The truth of the matter was well put by Hutchinson.

'America was in such a state that it seems to have been

[1] 7 Geo. III, c. 56.

[2] *Op. cit.*, p. 179.

good policy to abstain wholly from further taxes of any kind. But, if it should be otherwise determined, it was of the greatest importance to provide, at all events, for effectually enforcing the payment of such taxes. A second repeal, caused by the refusal of the subjects to submit to the authority of the laws, must greatly facilitate the designs of those persons who appeared to be aiming at independency.' [1]

The Americans, assuredly, were in no mood meekly to accept parliamentary taxation of any kind. Daniel Dulany was a man of moderate views, who afterwards became a Loyalist, but already in 1765 he had arrived at the conclusion that nowhere could British subjects be taxed except with their own consent given by their representatives.[2] After showing how inapplicable was the theory of virtual representation to the case of distant colonists, he concludes, anticipating the line of argument afterwards taken by Burke: 'May not, then, the line be distinctly and justly drawn between such acts as are necessary or proper for preserving, or securing, the dependence of the colonies and such as are not necessary for this important purpose?' [3] 'A power may even exist without an exercise of it; and it indicates as little good sense as good nature to exercise it only that the subjects of it may feel the rod that rules them.' [4]

Dulany was strongly opposed to resistance by force. The remedy lay elsewhere. By a vigorous application to manufactures the consequence of oppression in the colonies would strike home to the inhabitants of Great Britain, and immediately; and none would mistake it.[5] The resentment, he recommended, would be a legal, orderly, and prudent resentment, to be expressed in a zealous and vigorous industry, in

[1] *Op. cit.*, p. 179.

[2] *Considerations of the Propriety of Imposing Taxes in the British Colonies for the purpose of Raising a Revenue by Act of Parliament.*

[3] *Ibid.*, p. 18. [4] *Ibid.*, p. 24. [5] *Ibid.*, p. 67.

an immediate and unabating application of the advantages derived from their situation.[1]

The Revenue Act of 1767 was accompanied by other measures none of which was of a conciliatory character. Of the first [2] little need be said. It suspended the functions of the New York Assembly until it agreed to supply the British troops with certain requisites, as well as with suitable quarters. That body, however, before the news of the Act arrived in America had complied with the law.

Another measure [3] was a singularly inopportune attempt to develop and strengthen the commercial policy of George Grenville. Its object was the appointment of commissioners to be resident in America with the same powers as those possessed by the Commissioners of the Customs in England. Whatever could be said for this measure in the abstract or for its results in revenue,[4] in the state of feeling in America nothing could have been more ill advised than thus to fling into the arena a new bone of contention. A little more revenue received for the customs duties would be dearly purchased if it meant the further embitterment of mutual relations.

The reply of the Americans to the measures of 1767 was plain enough. Both in the field of argument and in the field of fact they were given a reception which might well have supplied British statesmen with food for thought. It was at this time that John Dickinson wrote his *Farmer's Letters* which, until the time of Thomas Paine, were the most widely read products of the controversy with Great Britain. Dickinson,

[1] *Ibid.*, p. 69. [2] 7 Geo. III, c. 59. [3] 7 Geo. III, c. 41.

[4] I understand from my friend the Oxford Harmsworth Professor of American History, Dr. Morison, that the records of the new commissioners show that their work produced a remarkable effect upon the American trade in stopping illegalities and increasing revenue.

indeed, still protested against all idea of independence, but he affirms, 'Let these truths be indelibly impressed upon our minds: that we cannot be happy without being free; that we cannot be free without being secure in our property; that we cannot be secure in our property, if, without our consent, others may, as by right, take it away.' 'Let us take care of our rights, and we therein take care of our prosperity.' 'Individuals may be dependent on ministers if they please. States should scorn it.'

But while writers were finding arguments for American resistance, the stern logic of facts was precipitating the crisis. In May 1768 the new Commissioners of Customs arrived at Boston, and in June their attempt to execute their office upon the *Liberty*, a sloop belonging to John Hancock, a leading Boston merchant, led to rioting; the Commissioners being obliged to take refuge in the fort of Boston. British troops were thereupon summoned from Halifax to protect the interests of the Crown.

'It was now evident,' writes Hutchinson, who had succeeded Bernard in the government on the latter's departure in 1769, 'that, without a further exertion of power and authority from Great Britain, Acts of Parliament for raising money by taxes from the inhabitants of the colonies could never be carried into execution. The people were determined to resist them. There was no power, legislative or executive, within the colonies, which would exert itself in checking this resistance. A military force was of no sort of use. Without the direction of a civil magistrate it remained perfectly inactive in all times of tumult and risk; and by this time it was perfectly despised, seeing that nothing short of active rebellion and the people taking up arms would justify the military without the civil power in any offensive acts. In such a case the small force then in Massachusetts Bay was insignificant.' [1]

Hutchinson was, indeed, a Loyalist, but he was a man of

[1] *Op. cit.*, p. 263.

sound judgement and cool head, and his words carry weight. Moreover, Governor Bernard had urgently recommended two measures; the fixing of a plan of civil government and its support by troops.[1] The Ministry attended to the second part of the proposal, which really depended upon the first; and ignored the former, which was the condition precedent to any improvement through the latter. The mere sending of troops, where there was no executive government able or willing to employ them, was an idle act of provocation. If the intention was to govern by the aid of military force, the troops sent out were too few. On any other hypothesis they were too many. The Governor was bound by the sanction of a solemn oath as well as by the *raison d'être* of his office to support an authority to which the body of the people refused to submit. And yet he remained deprived of all aid from any of the executive powers of government; the magistrates on whom he had to depend being in open, or secret, sympathy with the breakers of the law.

Political measures were very catching in America, and it had become clear that what Massachusetts decided upon to-day tended soon to become the settled policy of the other colonies. In truth, on both sides of the Atlantic, after the passing of Charles Townshend's ill-fated measure, there was nothing but aggravation of causes of offence. The Massachusetts Assembly declared that the British troops must be under the control of the Governor, and refused to provide quarters, except the barracks outside the city. The non-importation agreements were eagerly taken up, and commerce with Great Britain greatly diminished. The colonies had recognized that their best weapon lay in these agreements, which had proved so successful in the struggle about the Stamp Act. Committees of correspondence between the various colonies were therefore set on

[1] *Cavendish Debates*, vol. ii, p. 35.

foot. The truth that union was strength had at last been thoroughly laid to heart, and Massachusetts forwarded to the other colonies for their approval copies of an address it proposed to send to the king.[1] The other colonies cordially concurred with the policy and language of the Massachusetts Assembly, and it was in vain that the Home Government sought to prevent such common action.

On the other hand, the English Parliament in December 1768 and January 1769 passed resolutions condemning in strong language the conduct of the Americans. The proposal was also made that a long-disused statute of Henry VIII should be put in force under which it would be possible to bring to England for trial persons accused of treason outside England. Chatham had resigned in 1768, and Lord Shelburne had been succeeded as Secretary of State for the southern department by Lord Weymouth. A new Secretary of State for American affairs was at this time appointed, and Lord Hillsborough, a pompous and rather feeble minister, was selected for the post. The new duties had proved a failure in the way of providing a revenue. Those on glass, papers, and painting colours were therefore taken off; that on tea being retained mainly with the object of supporting the authority of Parliament. It appears that this momentous decision was arrived at only by a majority of one at a Cabinet Council.[2] The colonies were informed that the ministry entertained no design 'to propose to Parliament to lay any further taxes on America for the purpose of raising a revenue'; but Lord Hillsborough contrived to add to this undertaking expressions that could not but be very offensive to a proud people.[3] Nevertheless, for a short time it seemed as though in America the situation was

[1] Set out in Macdonald, *op. cit.*, pp. 331–4.

[2] See *Memoirs of Third Duke of Grafton*, ed. by Sir W. Anson, pp. 225, 232.

[3] *Ibid.*, p. 233.

less strained. It proved impossible to maintain the non-importation agreements, and the British Government was certainly inclined to respond to any proposal of a conciliatory nature. It was at this moment when the issue of events was still in doubt that a matter, small in itself, undoubtedly hastened the crisis. The presence of English troops in Boston was a singularly ill-advised measure, unless the character of the government were to be altered, so as to put the execution of the law into the hands of British officials. As things were the soldiers were a continual cause of offence to the citizens, without compensating advantage. On 5 March 1770 some soldiers, pursued by a jeering mob, fired on the crowd and killed five persons. This event, known as 'the bloody massacre', inflamed the passions of the people. It is true that the soldiers were acquitted of murder and that John Adams defended them with only momentary hurt to his popularity;[1] but the affair made more difficult the way of reconciliation. Moreover, Hutchinson, with no support from his Council, was unable to resist the popular demand that the troops should be removed to Fort William outside Boston; so the impression left on the Americans by the episode was one not only of hatred but of contempt for a Government whose coercive measures ended in failure.

With regard to the duty on tea, it was the principle involved, and not the consequences of the tax, which caused the grievance. Parliament, in order to favour the East India Company, had taken off the 12*d.* duty which had been payable in England and substituted one of only 3*d.* payable in the colonies,[2] so that tea was cheaper than it had ever been sold by the illicit traders. The poor, we are told, in America drank the same tea in quality at 3*s.* the pound, for which the people in England paid 6*s.* But if the duty on tea did not materially add to its

[1] *Works*, vol. iii, p. 236.

[2] 7 Geo. III, c. 56.

cost, neither did it produce a revenue. Nothing could have been more foolish than to show the agitators in America their strength by removing most of the duties of which they had complained, and yet to leave an excuse for further agitation by refusing to repeal a duty, which brought in very little, and any increase of which had been solemnly repudiated by the Secretary of State. The whole method of going to work by the British was foolish in the extreme. We have already quoted Hutchinson's opinion, and Professor Channing suggests that if the introduction of the tea had been entrusted to the ordinary merchants, the matter might have gone through peacefully. It was the employment of persons who had shown strong anti-American sympathies and the monopoly created which caused the trouble.[1] Unhappily the matter was never regarded from the point of view of business and common sense. Finance considerations were mixed up with the wholly different object of preserving the authority of the British Parliament.

The main difficulty in the way of conciliation was the king. In truth nothing is more tragic than the contrast between the king as he really was and as for many years the colonists persisted in regarding him. As late as 1769 Franklin, in a private letter, continued carefully to discriminate between the presumed feelings of Parliament and of the king. 'I hope nothing', he wrote, 'that has happened or may happen will diminish in the least our loyalty to our sovereign or affection for this nation in general. I can scarcely conceive a king of better disposition or more exemplary virtues or more truly desirous of promoting the welfare of all his subjects.'[2] Had George III possessed the gift of historic imagination, he might have sought to reign as a patriot king over a galaxy of separate Parliaments If his object were to exalt his own power at the expense of the British House of Commons, the opportunity presented

[1] *Op. cit.*, vol. iii, p. 130. [2] *Works*, vol. v, p. 204.

itself of at least lowering the predominant position of the British Parliament. But George III was not a man of large or imaginative views; and having once taken up an opinion, he clung to it with dogged persistence. He consistently held the views which he expressed some years later, writing to Lord Dartmouth (10 June 1775), 'I am not apt to be over-sanguine; but I cannot help being of opinion that with firmness and perseverance America will be brought to submission'. Unhappily 'firmness and perseverance', if shown at all, were always shown at the wrong moment. It was easy for the king, whose beliefs were as strong as they were narrow, to approve of the tea duty on the ground that there must always be one tax to keep up the right; because the king was prepared to accept the consequences of his policy. The position of the majority of the ministry, however, was altogether different. They distrusted and disliked the policy which they were obliged to enforce. Lord North, who became Chancellor of the Exchequer on Townshend's death in 1767 and leader of the House of Commons, and afterwards, in 1770, First Lord of the Treasury, was at heart in disagreement with his proposed measures, and was only induced to carry on the government through personal attachment to the king. Lord Dartmouth became Secretary of State for America after Lord Hillsborough's resignation in 1772. He was *persona grata* to the New England colonies because of his friendly relations with the English dissenters; and, on account of his religious character, possessed the confidence of the king. But a letter from J. Pownall, the permanent Under-Secretary of State, reveals the helplessness of his position. 'Our business hitherto has been as light as you could wish, and I think it is likely to continue so, for what can Lord Dartmouth have to do whilst Bamber Gascoigne is Minister for America at the Board of Trade, and Lord Suffolk at the Council office, where they will not let us

have anything to say; all councils for American business being (in Lord Gower's absence) held by Lord Suffolk.'[1] Grafton, after being outvoted on the question of the continuance of the tea duty, ceased to attend Cabinet Councils; though he held the office of Privy Seal till 1775, when, after obtaining an audience from the king and openly remonstrating against the American policy, he resigned his office. The result of all this was that whilst the king was strong enough to dictate the policy of his Government, he could not inspire ministers with his own enthusiasm. Pownall's remark: 'Don't you wish, for many reasons, that the great Powers who are making so free with what does not belong to them (Poland) would in some of their Partition Treaties include America? I believe they would soon be sick of their acquisition,' reflected their general mind. It was certainly strange that at a time when war with America was looming in the foreground, retrenchments should have been effected in both the Army and the Navy, which weakened the position of Great Britain at the outbreak of war. With respect to the causes of the final rupture, it is impossible to say that any measures would have saved the situation at this late time of day; but we can say that the measures taken were precisely those most calculated to aggravate matters. Even up to the last moment the feeling in America against a final rupture was very strong. Benjamin Franklin became the most conspicuous partisan of independence, but, as late as 1773, he wrote:[2]

'Our great security lies in our growing strength both in numbers and wealth, that creates an increasing ability of assisting this nation in its wars which will make us more respectable, our friendship more valued and our enmity feared . . . There seem

[1] 23 July 1773, *Hist. MSS. Comm., Various Coll.*, vol. vi, p. 110, *Knox MSS.*

[2] *Works*, vol. vi, p. 3.

to be among us some violent spirits who are for an immediate rupture; but I trust that the general prudence of our country will see that by our growing strength we advance fast to a situation in which our claims must be allowed; that by a premature struggle we may be crippled and kept down . . . that between governed and governing every mistake in government, every encroachment on right is not worth a rebellion . . . remembering withal that this protestant country (our mother, though lately an unkind one) is worth preserving, and that her weight in the scales of Europe and her safety in a great degree may depend on our union with her.'

In a similar spirit Jefferson, afterwards the parent of American democracy, wrote as late as 1775: 'I am sincerely one of those' (who still wish for reunion with their parent country), 'and would rather be in dependence upon Great Britain than on any nation upon earth, or than on no nation.' It should, however, be noted that he went on: 'But I am one of those, too, who, rather than submit to the right of legislating for us assumed by Parliament, and which later experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean.' [1]

But there was no possibility that British statesmen would come to terms with America upon conditions such as would have satisfied these men. In fact the situation had been going from bad to worse. When an attempt was made by the East India Company to sell their tea, its destruction in Boston harbour (December 1773) showed the length to which the people were prepared to go. 'Last night', John Adams wrote on December 17,

'three cargoes of Bohea tea were emptied into the sea. . . . This is the most magnificent movement of all. There is a dignity, a majesty and sublimity in this last effort of the patriots that I greatly admire . . . This destruction of the tea is so bold, so daring, so firm, intrepid and inflexible, and it must have so

[1] *Hist. MSS. Comm., Dartmouth MSS.*, vol. ii, p. 361.

important consequences, and so lasting, that I cannot but consider it as an epocha in history. This, however, is but an attack upon property. Another similar exertion of popular power may produce the destruction of lives. Many persons wish that as many dead carcases were floating in the harbor, as there are chests of tea. A much less number of lives, however, would remove the causes of all our calamities.' [1]

'The same spirit,' we are told, 'pervaded the whole continent, so that the same language, sentiment, and manner prevailed in all those written or printed pieces, whether in the province of Massachusetts or in the other colonies.' [2] The most ominous feature in the case was that there was no organized power upon the side of law and order. The mob effected its purpose with complete impunity. The existence of such a state of things should have given ministers grave matter for reflection. In the long run it is impossible, unless one is prepared to resort to coercion, to govern against the general public opinion of the community affected. It was reasonable that law and order should be vindicated by some coercive measures; but such measures should have been accompanied by others which would have ensured the prevention of such troubles in the future. It is sometimes asserted that British policy in America was the policy of George III and his subservient ministers, but Burke, in the *Annual Register*, expressly affirms that 'the spirit raised against the Americans became as high and as strong as could be desired, both within and without the House'.[3] Accordingly, the folly was perpetrated of passing the most drastic legislation against Massachusetts, without making sure that its enforcement could be made good. The port of Boston was declared closed; [4] the Charter of Massachusetts was remodelled, so as to make the elective Council, the upper house of the legislature, into a body

[1] *Works*, vol. iii, p. 323.
[2] *Annual Register*, 1774, p. 59.
[3] *Ibid.*, p. 61.
[4] 14 Geo. III, c. 19.

nominated by the Crown;[1] and persons indicted for murder or any other capital offence, or in other cases where a fair trial could not be secured in the colony, might be removed to England for trial.[2] Measures of coercion can only be judged by their fruits, and the fruits of these Acts were to unite the American colonies in organized resistance to the claims of Great Britain. They were the cement of a strict and close union between all the old colonies.

It is difficult to say whether even now, had the advice of Burke or Chatham been followed, it would have been possible to have avoided a conflict. Burke's plan was to attempt to bury the events of the last ten years and to go back to the state of things before existing. But a great movement had been going on in America, and it is always difficult to put back the clock.

Although we may not consider the Americans as so many William Tells rising against intolerable tyranny, we must admit that the action of the British Government was the immediate cause which precipitated the conflict. They should have possessed more accurate information as to what the temper of the Americans was; and if it was intended at all risks to vindicate British claims, they should have applied force promptly and swiftly before the colonies had time to consolidate their union. Yet even after the meeting of the Continental Congress in the autumn of 1774, which affirmed the solidarity of colonial rights, there is no evidence that the British Government realized the full gravity of the situation. That congress confined itself at first, it is true, to the consideration of such rights as had been infringed by Acts of the British Parliament since 1763.

'To these grievous acts and measures', it was stated, 'America cannot submit, but in hopes that their fellow subjects in Great

[1] 14 Geo. III, c. 45.

[2] 14 Geo. III, c. 39.

Britain will on a revision of them restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of Great Britain and a memorial to the inhabitants of British America. And 3. To prepare a loyal address to the Crown.'[1]

It was the contemptuous reception accorded to these addresses couched in perfectly respectful terms that led many Americans who had hitherto been in favour of conciliatory measures to believe that the time for such measures was passed. Whatever our opinion of Burke's proposals and of those of the Continental Congress of 1774, it is at least significant that they agreed. Go back, they both said, to the state of things existing before 1763 and see what happens. Now we have already seen that the state of things before 1763 was not, from the point of view of either the Mother Country or the colonies, very satisfactory. The brief period of Pitt's control of colonial policy may be excepted, but otherwise there had been continuous friction and, undoubtedly, faults on both sides. Still the system had had the qualities of its defects; and if slovenly and inefficient had been easy-going and tolerant. It might have been possible, starting from the old lines, to have effected real improvements. Certainly this might have been the case, had there been more members of the House of Commons of the type and temper of Thomas Pownall. Pownall had been a successful colonial Governor and wrote a book on *Colonial Administration*, which can still be read with profit. At the beginning of the controversy, he took the side of the colonists; and did not, as was unfortunately the case with too many, look upon the subject through party spectacles; though he was distrusted by Burke as a place-hunter and an egotist. Had the Acts in

[1] Text set out in Macdonald, *op. cit.*, pp. 357–61.

question been repealed and a royal commission sent out, consisting of men of the type of Pownall, to inquire upon the spot and report upon the general situation, at any rate a breathing space would have been given, and a rallying ground afforded for the party of moderation and compromise in America. What is certain is that if there was to be a policy of conciliation it must be complete and thorough; but the complicated and enigmatic scheme of conciliation proposed by Lord North in 1775, whilst it was a confession of weakness, promised no prospect of settlement. Lord North proposed that when the Governor, Council, and Assembly of a colony should agree to make provision, according to its condition, circumstances, and situation, for contributing its proportion to the common defence (such proportion to be raised under the authority of the Assembly and to be at the disposal of Parliament), and should engage to make provision also for the support of the civil government, and the administration of justice in the colony, it should be proper, if such proposal were approved by the Crown and the two Houses of Parliament, and for so long as such provision should be made, to forbear in respect of such colony to levy any duty or tax or to impose any further duty or tax, except only such duties as it might be expedient to continue to levy or to impose for the regulation of commerce; the net produce of such duties to be carried to the account of such colony. At an earlier stage of the controversy such a proposal might have been welcomed; it now only excited indignation as an attempt to divide the colonies. The king had expressed his willingness that Lord North should hold out the olive branch; but the king's friends viewed the resolution with hardly concealed contempt.

'The courtiers,' we are told, 'looked at each other with amazement, and seemed at a loss in what light to consider the minister. That numerous high prerogative party who

always loved a strong government in whatever hands it might be lodged, and accordingly had upon principle ever opposed any relaxation in favour of the colonies, heard the propositions with horror and considered themselves as abandoned and betrayed. . . . In a word, the treasury bench seemed to totter, and that ministerial phalanx, which had been so long irresistible, seemed ready to break and to fall into irretrievable disorder.' [1]

In order to conciliate this opposition, Lord North explained that he did not expect his propositions would be generally received by the Americans, but he intended by them to separate the grain from the chaff. The object of his policy was to unite England and to disunite America. Thus explained, the resolution might be more acceptable to the House of Commons, and it was in fact adopted by a great majority; but as a measure of conciliation it was henceforth altogether nugatory. It must indeed have had the contrary effect of arousing the suspicions of the Americans. Just as the Boston Port Bill, which had been intended to isolate recalcitrant Massachusetts, had had the immediate effect of throwing all the colonies, south of Nova Scotia as far as Georgia, into one common line of union; so the effect of this further attempt to disunite the Americans must inevitably have been followed by the clearer recognition that their interests stood and fell together.

The temper of the Americans in the months preceding the outbreak of war may be fairly gauged by that of the members of the Continental Congress in 1774 and 1775. It is true that representatives have generally more defined views than have their constituents, and that in some cases the representative character of their election had been more than doubtful.[2] At

[1] *Annual Register*, 1775, p. 97.

[2] According to Galloway, in his *Examination before the House of Commons*, published in 1780, one member of the Convention that elected delegates to the Continental Congress from the province of New York had been returned by the votes of himself and his clerk.

the same time there is no reason to doubt the verdict of John Adams (10 June 1775), who, in spite of his prejudices, was a shrewd judge of men and things:

'I find that the general sense *abroad* is to prepare for a vigorous defensive war, but at the same time to keep open the door of reconciliation—to hold the sword in one hand and the olive branch in the other—to proceed with warlike measures and conciliatory measures *pari passu*.

'I am myself as fond of reconciliation, if we could reasonably entertain hopes of it upon a Constitutional basis, as any man. But I think, if we consider the education of the Sovereign, and that the Lords, the Commons, the Electors, the Army, the Navy, the Officers of Excise, Customs &c., have been now for many years gradually trained and disciplined by corruption of the system of the court, we shall be convinced that the cancer is too deeply rooted and too far spread to be cured by anything short of cutting it out entire.

'We have even found by experience that petitions, negotiations, anything which holds out to the people hopes of reconciliation without bloodshed is greedily grasped and relyed on,—and they cannot be persuaded to think that it is so necessary to prepare for war as it really is. Hence our present scarcity of powder, &c.

'However this continent is a vast unwieldy machine. We cannot force events. We must suffer people to take their own way in many cases, when we think it leads wrong, hoping, however, and believing that our liberty and felicity will be preserved in the end, tho' not in the speediest and surest manner.'[1]

Franklin wrote in July:

'The Congress met at a time when all minds were so exasperated by the perfidy of General Gage, and his attack on the country people, that propositions of attempting an accommodation were not much relished; and it has been with difficulty that we have carried another humble petition to the Crown to give Britain one more chance, one opportunity more of

[1] *Letters of Members of the Continental Congress*, ed. by E. C. Burnett, vol. i, 1921, p. 118.

recovering the friendship of the colonies; which, however, I think she has not sense enough to embrace and so I conclude she has lost them for ever.' [1]

Considering the Congress had arranged to raise a loan of two million dollars, had appointed a commander-in-chief, and was enlisting an army of 25,000 men and yet was petitioning the Crown, well might Franklin consider the Americans 'in an odd state, neither in peace nor war, neither dependent nor independent'.[2] Again, Samuel Adams wrote in the following December: 'We go on here by degrees, though not with the dispatch I could wish. Gentlemen seem more and more to enlarge their views, and we must be content to wait till the fruit is ripe before we gather it.' [3]

John Adams already recognized that the three measures of independence, confederation, and negotiations with foreign Powers should go hand in hand and be adopted simultaneously.[4]

And yet so strong was the power of old associations and of provincial jealousies that Carter Braxton, a Virginia delegate, could write as late as 14 April 1776:

'Upon reviewing the secret movements of men and things I am convinced the assertion of independence is far off. If it was to be now asserted, the continent would be torn in pieces by intestine wars and convulsions. Previous to independency all disputes must be healed, and harmony prevail. A grand continental league must be formed and a superintending power also. When these necessary steps are taken, and I see a coalition formed sufficient to withstand the power of Britain, or any other, then am I for an independent state and all its consequences, as I think they will produce happiness to America.' [5]

It must be remembered that on and after the fateful 19 April 1775, the date of the skirmish at Lexington, the united

[1] *Letters of Members of the Continental Congress*, p. 156.
[2] *Ibid.*, p. 175.
[3] *Ibid.*, p. 270.
[4] *Ibid.*, pp. 350–1, note.
[5] *Ibid.*, p. 421.

colonies and Great Britain were at virtual war. A year before the actual Declaration of Independence the American Congress declared: 'We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of the contest and find nothing so dreadful as voluntary slavery.' [1] It is true that the reassuring words were added: 'We mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. . . . We have not raised armies with ambitious designs of separating from Great Britain and establishing independent states.' [2]

Similarly, in their petition to the king of 8th July, the Congress declared:

'Attached to your Majesty's person, family and government, with all devotion that principles and affection can inspire, connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your Majesty that we not only most ardently desire to see harmony between her and these colonies restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissension, to succeeding generations in both countries.' [3]

Nevertheless, they had already embarked upon a voyage to which there could be only one destination. Before this petition was presented to Lord Dartmouth by Messrs. Penn and Lee, George III and his ministers, judging the Americans by their deeds and not by their words, had issued a counter-blast to the doings at Lexington, Concord, and Bunker's Hill in the form of a stern Proclamation. [4]

[1] *Journals of the Continental Congress, 1774–89*, ed. by W. C. Ford, vol. ii, p. 153. [2] *Ibid.*, p. 155. [3] *Ibid.*, p. 160.

[4] 23 August 1775, Macdonald, *op. cit.*, pp. 390–1.

'Whereas', it said, 'many of our subjects . . . have at length proceeded to open and avowed rebellion by arraying themselves in a hostile manner . . . and whereas there is reason to apprehend that such rebellion hath been much promoted and encouraged by the traitorous correspondence, counsels and comfort of divers wicked and desperate persons in this nation . . . we have thought fit . . . to issue our Royal Proclamation hereby declaring that not only all our officers, civil and military, are obliged to exert their utmost endeavours to suppress such rebellion and to bring the traitors to justice, but that all our subjects of this realm, and the dominions thereto belonging, are bound by law to be aiding and abetting in the suppression of such rebellion, and to disclose and make known all traitorous conspiracies and attempts against us, our Crown and dignity.'

Condign punishment was threatened against 'the authors, perpetrators and abetters of such traitorous designs'.

But whilst in England the British Government was magniloquently asserting its powers on paper, in fact in America its strength was reaching the vanishing point.

Consider the letter of Lord Dunmore, the Governor of Virginia, who was not assuredly of a meek disposition, to Lord Dartmouth, dated 24 December 1774:

'The Associations . . . are now enforcing throughout the country with great vigour. A committee is chosen in every county to carry the Association of the Congress into execution. They inspect the trade and correspondence of every merchant, watch the conduct of any inhabitant, may send for, catechize and stigmatize him if he does not appear to follow the laws of their Congress. Every city, besides, is arming an independent company to protect their committees and to be employed against government, should occasion require. As to the powers of government which Lord Dartmouth in his letter of November 11th directs should be exerted to counteract the dangerous measures pursuing here, it is entirely disregarded, if not wholly overturned. Not a Justice of the Peace acts except as a committee man. Abolishing the Courts of Justice was the first step taken. The General Court is much the same, for the

lawyers refuse to attend, nor could the people allow them. Interposition of government in its present feeble state would only suffer the disgrace of a disappointment.' [1]

In September 1775 the Governor of South Carolina, Lord William Campbell, had been compelled to take refuge on a British ship 'from the violence, insults, and outrages offered to him and the other servants of Government'.[2]

Governor Tryon was doubtless right when he said that half-measures would not do and that delays were still more dangerous. The alternatives were 'the removal of stumbling blocks' or vigorous measures.[3] It is to the discredit of the British Government that it would not remove the 'stumbling blocks', and yet hesitated when to hesitate meant to be lost.

6

The War of Independence

It is not necessary here to say very much regarding the military operations of the War of Independence. The British generals, it is generally admitted, showed deplorable slackness in not driving home to their full such opportunities as were given; and on two important occasions defective strategy led to disastrous results. Regarding the character of the American army, as it appeared at the beginning of the War, we have the irrefutable testimony of its Commander-in-Chief, George Washington. This is how he wrote soon after his appointment to the President of Congress (21 September 1775):

'It gives me great pain to be obliged to solicit the attention of the honourable Congress to the state of this army, in terms which imply the slightest apprehension of being neglected.

[1] *Hist. MSS. Comm.*, *14th Rep.*, App. 10, *Dartmouth MSS.*, vol. ii, p. 243.
[2] *Ibid.*, p. 382. [3] *Ibid.*, p. 261.

But my situation is inexpressibly distressing, to see the winter fast approaching upon a naked army, the time of their service within a few weeks expiring, and no provision yet made for such important events. Added to these the military chest is totally exhausted; the paymaster has not a single dollar in hand; the Commissary-general assures me he has strained his credit, for the subsistence of the army, to the utmost. The Quartermaster-General is precisely in the same situation; and the greater part of the troops are in a state not far from mutiny, upon the deduction from their stated allowance. I know not to whom I am to impute this failure; but, I am of opinion that, if the evil is not immediately remedied, and more punctually observed in future, the army must absolutely break up.' [1]

Again he wrote two months later to Joseph Reed:

'Such a dearth of public spirit, and want of virtue, such stock-jobbing and fertility in all the low arts to obtain advantages of one kind or another, in this great change of military arrangement, I never saw before, and pray God I may never be witness to again. What will be the ultimate end of these manœuvres is beyond my scan. I tremble at the prospect. We have been till this time enlisting about 3,500 men. To engage these I have been obliged to allow furloughs as far as 50 men a regiment, and the officers I am persuaded indulge as many more. The Connecticut troops will not be prevailed upon to stay longer than their term . . . and such a dirty mercenary spirit pervades the whole, that I should not be at all surprised at any disaster that may happen. In short after the last of this month our lines will be so weakened, that the minute-men and militia must be called in for their defence; these, being under no kind of government themselves, will destroy the little subordination I have been labouring to establish and run me into one evil whilst I am endeavouring to avoid another; but the lesser must be chosen. Could I have foreseen what I have and am likely to experience, no consideration upon earth should have induced me to accept this command.' [2]

Remember that Washington was no incapable grumbler, on

[1] *Writings of G. Washington*, ed. by L. B. Evans, 1908, pp. 39–40.

[2] *Ibid.*, p. 41.

the look out for excuses to veil his own want of initiative. He was the patient commander, who finally found the road to complete victory. But if the state of things was half as black as he painted it, can any one doubt that if the British generals had made full use of their advantages during the first year of the war, they must for the time have been crowned with success? Though how long growing communities, such as were the American colonies, could have been held down by brute force is another question to which the answer is tolerably plain.

Be this as it may, the fact remains that little or no advantage was taken of American weakness, and the struggle went on till the appearance upon the scene of the French as open allies of the Americans introduced a new factor, the outcome of which was the temporary collapse of the British power.

Moreover, the Americans had the inestimable advantage of the presence of a commander-in-chief, who, whether or not he was a great general, was assuredly a great man. Originally appointed as a political move to placate the southern colonies,[1] Washington soon showed himself by his singleness and magnanimity of mind a rallying ground for those who wished to reconcile the aspirations of new nationhood with the traditional pieties of the past.

It is best to consider the American War as divided into two main divisions, the first ending with the surrender of Burgoyne at Saratoga in October 1777, the second ending with the capitulation of Cornwallis at Yorktown in October 1781. From the first we note on the part of the British authorities a lamentable weakness in their intelligence department. Thus the army, which was sent out with Howe in 1775, found itself for some time doomed to inactivity, because it had been rashly presumed that the Loyalists would be able to co-operate much more effectually than in fact proved to be possible. The

[1] John Adams, *Works*, vol. ii, pp. 415–18.

Loyalists were respectable in numbers and in character; but they were naturally disinclined to civil war. They had an absurd, though touching confidence, in the efficacy of British troops to put things to rights in a short time; and they found themselves generally forestalled by the superior energy and organization of their adversaries. In this state of things it proved impossible to maintain the hold of Boston. No doubt from a military point of view New York was a better centre for the British offensive, whilst that province was the stronghold of Loyalism. Still the loss of prestige caused by the compulsory evacuation of Boston was great; and the retirement with them of the leaders of the Loyalist minority boded ill for the future of their cause in America. Nor was New York at once peacefully occupied after the loss of Boston. It was necessary to seek refuge at Halifax in Nova Scotia and from thence to organize a fresh expedition. Howe sailed from Halifax to Staten Island in the beginning of July 1776 where he established his head-quarters. Staten Island is situated opposite Long Island at the entrance of the harbour of New York. There he was joined by a British fleet under the command of his brother, Admiral Lord Howe, who, however, was now more concerned in coming to terms with the Americans than in showing the extent of British sea-power.

The conciliatory proposals of Lord North already mentioned, had as their corollary the sending of commissioners to America who should offer pardon and protection to those willing to return to the allegiance of the Crown. The Commissioners selected were the Admiral, Lord Howe, and his brother Sir William, who had been appointed, in 1775, Commander-in-Chief of the land forces.[1] Unfortunately they had no authority

[1] A striking picture of the confusion and differences of opinion that accompanied the appointment of the Commission will be found in the *Hist. MSS. Comm.*, *Various Collections*, vol. vi, *Knox MSS.*, pp. 258–60.

to recognize the Continental Congress, whilst the most that that body was willing to do was to send a committee, consisting of members of Congress, to find out whether the Commissioners had authority to treat with persons *authorized by Congress* for the negotiation of peace on reasonable terms.[1] The motto *divide et impera* was too patently placed on the British masthead to attract men who had at length learnt to realize that union was strength. Nor did the refusal to address Washington as General help to make things easier.

In another way, however, the appointment of these Commissioners was harmful to British interests. It is always difficult, if not impossible, to combine diplomatic with military functions. The Howes were Whigs, however moderate, and, as such, could not have regarded the policy of the British Government with much favour. In the case of Sir William, at least, it was unfortunate that the mind, the full energies of which should have been devoted to winning the war, was deflected, to some extent, to other considerations.

It is doubtful how far New York was capable of defence when the British had occupied Staten Island. Sir G. Trevelyan, the military chapters of whose volumes were written with the help of a very capable military expert and whose loyalty to Washington cannot assuredly be questioned, writes: 'The fact remains that in August 1776 he (Washington) placed and kept his troops in a position where they were certain to be defeated, and where, when defeated, they would most probably be surrounded and destroyed.'[2] The truth was that for political reasons it was most desirable not to abandon New York; and that Washington submitted himself to the behests of Congress. A brilliant American writer, Mr. C. F. Adams, not over-endowed with the gift of hero-worship, has criticized very

[1] *Journals of the Continental Congress*, vol. v, 1776, p. 737.

[2] *The American Revolution*, vol. ii, p. 251.

freely Washington's military operations at this time; but with this question we need not here concern ourselves. For us the only matter of importance is that New York fell into the hands of the British, and, with this political and strategic centre in their hands, their task we should expect to have been very much simplified.

Meanwhile, it is necessary to go back a little and describe another episode of the war which ended equally disastrously to the Americans. At the outbreak of hostilities they very wisely seized the fort of Ticonderoga, an important post on Lake Champlain, guarding the main route from Canada to the Province of New York. Not content with this they determined upon the further step of an invasion of Canada. The advantage of this move depended entirely upon the temper of the Canadians. If they were prepared to welcome as liberators the American invaders and co-operate with them in putting an end to the British régime, then the expedition would fully justify itself; and at first the adoption of the measure was intended to depend upon the answer to this question. In fact, however, it was not easy to read the riddle of the Canadian sphinx. On the one hand, they had long memories, and could not be expected to forget that the British occupation was associated with a time of disaster and failure. Moreover, the Quebec Act which recognized the permanence of their national institutions and which was doubtless a wise measure so far as they were concerned, was only passed in 1774, so that it had not had time to give results before the invasion. On the other hand, New England, much more than Old England, had been French Canada's *bête noir*; and the high-sounding democratic doctrines of the emancipated colonists remained so much abracadabra to the simple and ignorant French-Canadian peasantry. The one thing they were clear about was that the old militia system, under which in the past they had fought and bled, should not

be revived; and they showed obstinacy in refusing to follow their French Seigniors. Otherwise, they were very lukewarm in the struggle between the rival Anglo-Saxons; and when they found that American intervention meant a renewal of the old depreciated paper-money, of which they had had so gloomy an experience, they had no desire to see it perpetuated. Canada was very weakly defended by British troops and, with the French neutral, Carleton found himself compelled to retire to Quebec. But here he made a brave stand against the two American armies under Montgomery and Arnold that had met under its walls. Montgomery lost his life and Arnold was wounded in an attempt to storm the citadel in the end of 1775, and then the American army sat down to starve the city into surrender. The garrison, however, maintained itself through the winter and when the ice broke and relief came in the shape of British troops, Carleton was able to strike in return and disease added to the perils of the American retreat. Arnold's strategy and the lateness of the season prevented further pursuit down Lake Champlain. Still the complete recovery of Canada was by itself a sufficient cause for congratulation.[1]

It was fated, however, in this period of gloom for the British Empire that every success should work in the direction of disaster. In November 1775 Lord George Germain became Secretary of State for the Colonies. He wrote to his most intimate friend, General Irwin: 'I have tried and cannot avoid it. Pity me, encourage me, and I will do my best.'[2] He had expressed in the previous June his views on the situation. 'The arming of the loyal part of the province', he had written, 'and the marching a body of Canadians to the frontiers of New England might have a better effect than slow and repeated

[1] On the Canada Expedition see *Our Struggle for the Fourteenth Colony*, by Justin H. Smith, 1907, 2 vols.

[2] *Hist. MSS. Comm.*, *Stopford-Sackville MSS.*, vol. i, p. 138.

reinforcements from hence; and, though the losing of time may be fatal, I still think we shall not dare to take bold and decisive measures till we are drawn into them by degrees, and when perhaps it may be too late.' Again a little later: 'The news from America is as bad as possible, that is it is come to that crisis which makes it necessary for administration to adopt real offensive measures or to resign their offices and leave the conciliatory plan of meanness and submission to those who wish to be their successors upon such terms.' [1]

'The bold and decisive measures' taken by Lord George himself were the launching of an ambitious and enterprising plan of campaign which involved close co-operation between an army descending from Canada and an army advancing from New York to Albany and the Hudson. Lord Shelburne spread the legend that, owing to the carelessness of Germain, Howe never received his orders; [2] but the true story, as told by William Knox, the permanent Under-Secretary, fails to exonerate Lord George completely.

'When all was prepared, and I had them to compare and make up, Lord Sackville came down to the office to sign the letters on his way to Stoneland, when I observed to him that there was no letter to Howe to acquaint him with the plan or what was expected from him in consequence of it. His Lordship started, and D'Oyly stared, but said he would in a moment write a few lines. "So", says Lord Sackville, "my poor horses must stand in the street all the time and I shant be to my time anywhere." D'Oyly then said that he had better go, and he would write from himself to Howe and inclose copies of Burgoyne's Instructions which would tell him all he would want to know, and with this his Lordship was satisfied, as it enabled him to keep his time, for he could never bear delay or disappointment, and D'Oyly sat down and writ a letter to

[1] *Hist. MSS. Comm., Stopford-Sackville MSS.*, vol. i, p. 135.

[2] *Life of Lord Shelburne*, by Lord E. FitzMaurice, vol. i, pp. 358–9.

Howe, but he neither shew'd it to me nor gave a copy of it for the office, and, if Howe had not acknowledged the receipt of it with the copy of the Instructions to Burgoyne, we could not have proved that he ever saw them.' [1]

The same slovenly carelessness characterized Germain's subsequent conduct. When Howe wrote to him to announce his change of plan and determination to move to Pennsylvania, he contented himself with the fatuous comment :

'As you must, from your situation and military skill, be a competent judge of the propriety of every plan, his Majesty does not hesitate to approve the alterations which you propose, trusting, however, that whatever you may meditate, it will be executed in time for you to co-operate with the army ordered to proceed from Canada and put itself under your command.' [2]

He added the curious statement :

'If we may credit the accounts which arrive from all quarters relative to the good inclinations of the inhabitants, there is every reason to expect that your good success in Pennsylvania will enable you to raise from among them such a force as may be sufficient for the interior defence of the province and leave the army at liberty to proceed to offensive operations.' [3]

Germain's plan was open to the fatal objection that it gave the Americans the command of the inner lines, an advantage the importance of which was seen to our cost in the case of the Great War. No doubt the whole scheme was connected with a far too optimist view of the help that might be obtained from the Loyalists, but in any case success depended upon the certainty of close co-operation between the two armies.

Considering that Howe had been clamouring for more men, and that the reinforcements sent had been very much below

[1] *Hist. MSS. Comm.*, *Various Collections*, vol. vi, *Knox MSS.*, p. 277.
[2] *Ibid.*, *Stopford-Sackville MSS.*, vol. ii, p. 67.
[3] *Ibid.*

his demands, it is incredible how either Germain or Howe could have cheerfully acquiesced in this most unwise dispersion of forces. Few chapters in the history of the American War are better known than that which tells us of Burgoyne's ill-fated expedition. He was a gallant soldier; but he was vain, boastful, and superficial, and not a man to depend upon in a tight corner. The very successes of the beginning of the expedition caused him further to enmesh himself in the deadly snare. When the situation had obviously become impossible, he pretended that his orders forbade him to retire, as if the orders to a general can ever compel the impossible. When at last he reconciled himself to submission to fate and ordered a retreat, it was too late. The unfortunate general and his army were surrounded. Clinton with his weak forces was powerless to be of assistance; and even the indifferent generalship of the American Gates could not prevent the greatest triumph to the American arms that had yet taken place during the war. The capitulation of Saratoga the 19th October 1777 is a leading date in history because without that capitulation France might never have intervened; and without such intervention it is impossible to say how the war would have ended.

We have seen what was the final cost of Germain's ambitious scheme of co-operation. Let us look for a moment at what Howe gained by his movements southwards. In July 1776 with the main body of his forces he sailed to the mouth of the River Elk at the extremity of Chesapeake Bay, Washington being encamped in the neighbourhood of Philadelphia. At first all went well with the British Army. The victory of Brandywine (11 Sept. 1777) enabled them to take possession of Philadelphia; and a more formidable enemy than the British was working against the Americans.

'Unless some great and capital change suddenly takes place', Washington wrote on 23 December 1777, 'this army must

inevitably be reduced to one or other of these three things; starve, dissolve or disperse in order to obtain subsistence in the best manner they can.'[1] 'Three or four days of bad weather would prove our destruction. What then is to become of the army this winter? And if we are so often without provisions now, what is to become of us in the spring, when our force will be collected, with the aid perhaps of militia to take advantage of an early campaign before the enemy can be reinforced?[2] We have . . . no less than 2,898 men now in camp unfit for duty because they are barefoot and otherwise naked . . . our whole strength in Continent-troops including the Eastern brigades, which have joined us since the surrender of General Burgoyne, exclusive of the Maryland troops sent to Wilmington, amounts to no more than 8,200 in camp fit for duty.'[3]

It was in this state of things that Howe had decided to waste the precious opportunity in comfortable winter-quarters at Philadelphia. Somehow or another the Continental army survived through the winter of 1777; and then its worst days were past.

The British Government with their usual wisdom chose the moment when a secret treaty between France and the United States had pledged each country not to make a separate peace without the consent of the other to send commissioners to America with the offer of terms which at an earlier period of the struggle might have been received with delight. As things were, the Americans regarded the mission as an insidious attempt to sow dissension in their ranks, whilst the British Army and especially the Loyalists regarded such overtures with natural trepidation and disgust.

Another measure of the Home Government was more promising. Sir William Howe was relieved of his command, though without any slur on his reputation, and returned to England. The *Annual Register* informs us 'to the great regret of both officers and soldiery in general'. Howe seems to have

[1] *Op. cit.*, p. 96. [2] *Ibid.*, pp. 97–8. [3] *Ibid.*, p. 99.

occupied much the same position in the minds of his men and of military critics that General Buller did in the South African War; though it is fair to mention that Mr. Fortescue, the historian of the British Army, deals very leniently with his shortcomings.

On the 15th May 1776 a resolution was passed by Congress recommending it to the colonies to assume all the powers of government. Still, even later, Edward Rutledge, a South Carolina delegate, on R. H. Lee's motion in favour of independence, wrote:

'The sensible part of the House opposed the motion. They had no objection to forming a scheme of a Treaty which they would send to France by proper persons and uniting this continent by a Confederacy. They saw no wisdom in a *Declaration* of Independence, nor any other purpose to be enforced by it, but placing ourselves in the power of those with whom we mean to treat, giving our enemy notice of our intentions before we had taken any steps to execute them . . . daily experience evinces that the inhabitants of every colony consider themselves at liberty to do as they please upon almost every occasion. And a man must have the impudence of a New Englander to propose in our present disjointed state any Treaty (honourable to us) to a nation now at peace.' [1]

This difficulty was, however, to some extent, met by the unanimous agreement of the members of Congress to set on foot a confederation. A committee of one from each colony was appointed for this purpose; though it proved a lengthy and tedious business to bring all the colonies into line.

The benefits that would result from a declaration of independence were put forward with emphasis in a letter of the 23rd June. After that event the colonies would hesitate no longer to complete their governments. They would establish tests and

[1] *Letters of Members of the Continental Congress*, ed. by E. C. Burnett, vol. i, 1774–6, 1921, pp. 476–7.

ascertain the criminality of Toryism. The presses would produce no more seditious or traitorous speculations. Slanders upon public men and measures would be lessened. The legislatures of the colonies would exert themselves on behalf of the necessary manufactures and products. Civil government would feel a vigour hitherto unknown. Military operations by sea and land would be conducted with greater spirit. Privateers would swarm in vast numbers. Foreigners would then exert themselves to supply what was wanted. Moreover, a foreign country would not disdain to treat with the United States on equal terms.[1]

At last, on the 2nd July, a resolution was passed by Congress, 'that these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain is and ought to be totally dissolved.'[2]

The Declaration of Independence, which was agreed upon on the 4th July, merely gave final and solemn sanction to the course upon which the Congress had already entered. Its main significance lay in the fact that it meant the burning of their ships, and that henceforth reconciliation was impossible except upon terms which, to any one who knew the Great Britain of the time, were unthinkable.

So much has been said and written on the document itself that little need be said here. Without doubt Jefferson found his philosophy in the fountain-head of Locke, undiluted, as Locke's system had been in England, by the opportunism of Whig politicians. In the bitter indictment of George III, if an Englishman may express his opinion without blasphemy, there is a note of exaggeration and over-emphasis which cast its shadow over the future of American history and sowed the

[1] *Ibid.*, p. 502. [2] *Journals of the Continental Congress*, vol. v, p. 507.

seed of much 4th July oratory. Consider this description of the Quebec Act:

'He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation . . . for abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same arbitrary rule into these colonies.'

The grievances arising out of the old colonial status and those wholly due to the existence of an actual state of war are dealt with as though they were one and the same. When the word 'tyranny' is so freely applied, it is perhaps permissible to point out that in the course of the dispute probably more acts of genuine tyranny were done by the contending factions than any British monarch, or his deputies, had ever attempted; though a state of war naturally brings about a different temper.

It is probable that the argument which convinced many that independence was inevitable was the conviction that, so long as the colonies remained, in however shadowy a fashion, dependent on Great Britain, so long it would be unsafe for any foreign power to ally itself with them. At any moment the Mother Country and her children might settle their domestic disputes and turn a joint front against the foreign interloper. The war had lasted long enough for clear-headed Americans to recognize the extreme difficulty of bringing it to a successful conclusion without foreign allies. It is true that, even after the Declaration of Independence, France hesitated to intervene till the surrender of Burgoyne in the autumn of 1777 greatly increased the prospects of American success; but it was quite certain that, unless and until the Americans formally shook themselves free from the British connexion, it was hopeless to expect direct help from France.

Considering how strong had been the prejudice and bitterness against the French, especially in the New England colonies, it is wonderful how soon the Americans reconciled themselves to the thought of such an ally; but military exigencies explain much that is otherwise unaccountable; and, when our house is burning, we do not inquire too curiously into the moral antecedents of those who hand the water-buckets.

In order to understand the situation, it is necessary to make a retrospect of Franco-American relations.

The years after the Peace of Paris seem something of an anti-climax. The great struggle had been fought and won; and it had been irrevocably decided that France could never be the leading power in the new world. At the same time the French did not cheerfully acquiesce in this decision, as founded on the evidence of facts. We know that the English negotiator of the Peace of Paris, the Duke of Bedford, was honestly in favour of moderate terms; and that the whole strength of Pitt's abuse of the treaty lay in the idea that it was a miserable betrayal of British interests. To the French, however, and their ministers, things seemed very different. Listen to the bitter words with which the French Minister Vergennes at the end of his career commented on the Peace of Paris:

'This humiliating peace of 1763 was bought at the price of our establishments, of our commerce and our credit in India; at the price of Canada, of Louisiana, of the isle Royal (Cape Breton) of Acadia and of Senegal. It caused in all countries the conviction that France no longer possessed either power or resources. The envy that had hitherto been the moving force in all courts of Europe with regard to her became changed into a kind of contempt. The Cabinet of Versailles had no longer any credit or influence at any court. Instead of being, as formerly, the centre of all European politics, it became the quiet spectator. No one consulted it. No one cared any more for its approval or disapproval; in a word, France, that is to say the most powerful country of Europe, had become absolutely

useless. She was without credit with her allies, and without respect from the other Powers. Such was our sad and humiliating condition at the date of the coming to the throne of Louis XVI. . . . It is enough to read the treaty of Paris and above all the negotiations that preceded it to realise the ascendancy that England had gained over France; to judge how much that arrogant power gloated over our humiliation; to acquire new proofs of the systematic injustice of the Cabinet of St. James; in short to arouse a feeling of indignation and of vengeance that the very name of English must inspire in every patriotic Frenchman.

'I shall not analyse the treaty that I have mentioned; I shall content myself with saying that it contains stipulations as hard as they are unjust, and that the Court of London, at the time when the force of circumstances enabled it to wring them from us, knew very well that they would be kept only so long as we were powerless to emancipate ourselves from them. Yes, Sire, such is the opinion of their own handiwork that the English Ministers ought to have had, and in fact, had. Such ought to have been, and, in fact, was the feeling and the aim of the ministers to whom the late King confided the administration of affairs; such has been continually the principal object of my hopes and of my zeal since your Majesty honoured me with your trust. I am not afraid to say, Sire, a nation may experience reverses and may yield to the imperious necessity of its own self-preservation; but when these reverses and the resulting humiliation are unjust, when they have for their motive and aim the pride of a powerful rival, a nation owes it to its honour, its dignity and its self-respect to use every opportunity of shaking themselves free from their effects. If it neglects such opportunity, if fear gets the upper hand over duty, it adds infamy to humiliation and becomes the object of the contempt of its own contemporaries as of future ages.

'These important truths, Sire, have never been outside my thoughts, they were already deeply fixed in my heart at the time when your Majesty called me to your Councils; and I eagerly awaited the opportunity to give effect to them. It was the same truths that fixed my attention on the Americans, it was these which caused me to watch for and to seize the moment

when your Majesty could come to the aid of this oppressed people, with well-founded hopes of achieving their liberty.' [1]

These words did not represent the final form of Vergennes's dispatch to the king; but they none the less represent his innermost convictions and show the temper in France with which English statesmen had to reckon.

The ink was hardly dry on the Peace of Paris when the French Minister Choiseul sought occasion to embroil the American colonies with their Mother Country. He had been one of the first to foresee their future enfranchisement. But in 1765 things were not ripe for the change; and by 1769 we find him reluctantly recognizing that active operations must be deferred till a later day. Meanwhile a great deal of knowledge had been obtained regarding American affairs by means of the correspondence set on foot, which was to bear good fruit in the future when affairs were ripe.[2]

Vergennes, who became first minister in 1774, is said to have predicted the loss of the American colonies by Great Britain as early as 1763. 'I was in Constantinople', he told Lord Stormont, the British Ambassador at Paris, 'when the last peace was made. When I heard its conditions I told several of my friends there that England would ere long have reason to repent of having removed the only check that could keep her colonies in awe.' [3] In any case, as Minister, Vergennes was determined to do what he could to bring about the fulfilment of his own prediction. At the same time he had to walk warily. France was still under the sense of demoralization caused by her overthrow, and was in no state to launch forth upon a bold policy. From the first the affairs of America engaged the

[1] Doniol, H., *L'histoire de la participation de la France à l'établissement des États-Unis*, vol. i, pp. 2–4.

[2] *Ibid.*, pp. 5–6.

[3] Quoted by Bancroft, *Hist. of the United States*, new ed. in 7 vols., vol. iii, p. 325.

minister's attention; but the important point seemed to be that the quarrel between Great Britain and its colonies gave a guarantee that the former would not attack France. Note that the spectre of an English attack was always before the eyes of those who had seen their fleet threatened in a time of nominal peace in 1755. In spite of the disillusions of 1761, Vergennes saw in a close alliance with Spain the best foundation of safety. At the close of 1774 he submitted to the king an elaborate memorial which discussed the European situation. Deploring the rule of might as right displayed by the partition of Poland, Vergennes recognized that France was not strong enough to uphold alone the moral law of Europe. Anything must, above all, be avoided that should result in throwing Austria and Great Britain into each other's arms. England is described as a restless and greedy nation, more jealous of its neighbours' prosperity than of its own happiness, which was only kept quiet by troubles at home. These might end; or war with France might serve as a rallying ground for composing disputes at home. Moreover, the Spanish alliance might necessitate war in defence of Spanish interests. In this state of things, it was necessary to be prepared; and to recognize that the existing peace was but an armed armistice.[1]

But however strongly Vergennes might recognize the necessity of the Spanish alliance, he could not insure that the Spanish Government should see eye to eye with his policy. It was forward, when it should have been cautious, and cautious when it should have shown courage. To begin with, there was fear of a general European War, owing to a colonial frontier quarrel between Spain and Portugal. Vergennes believed that the Portuguese Minister, Pombal, was deliberately fanning the flames so that England might be drawn into the *mêlée*. He recognized that France was not yet ready for war, and strongly

[1] Doniol, *op. cit.* vol. i, pp. 14–20.

deprecated any action that might lead to its premature outbreak. Although Spain and France were close allies, Spain had exacted in some cases heavier import duties on French goods than on goods coming from Great Britain.[1] The most pressing need, Vergennes insisted, was the rehabilitation of French credit and resources; but, for this, a development of industry was the condition precedent; and the best way of developing French industry was that the allies of France should throw open their markets to its products.

Meanwhile the situation in America was daily growing more serious to British interests. Vergennes was still in favour of a peaceful policy; at the same time he was determined to exact more respectful treatment from the fears of Great Britain. But suggestions were already being made that it might be possible to help the colonies by indirect means. The French Government was still haunted by the dread that Great Britain and her colonies should settle their private disputes and turn with common forces against France and Spain. Troops, apparently intended to overawe the colonists, might have sailed with ulterior designs; and, above all there was the fear lest the great War Minister, the terrible William Pitt, recalled to the councils of his country, should reunite parties in Great Britain and the American colonists in a crusade against French interests.[2] In fact things turned out just as the worst enemies of England could have hoped. Great Britain exhausted her resources and her men in a suicidal struggle with her own kinsfolk; whilst France and Spain were left to take such measures as might seem advisable. It seemed the interest both of Great Britain and of France to maintain the peace; but it is not always interest that decides policy. In the spring of 1775, Lord North was loud in his expressions of confidence in French neutrality; and Vergennes was equally determined

[1] *Ibid.*, pp. 36–7, dispatch of 17 October 1775. [2] *Ibid.*, pp. 60–4.

to remain neutral if he could obtain some *quid pro quo*. We find him writing in the following June : ' Far from seeking to profit by England's embarrassments we would rather help her in escaping from them. The spirit of revolt, wherever it breaks out, is always of dangerous example.' (Memorable words which might have been recalled at a later date.) ' It is the same with the moral as with physical maladies ; both the one and the other can become catching. This consideration should make us take care that the spirit of independence, which is making so terrible an explosion in North America, should not be able to communicate itself to points in which we are interested in this hemisphere.' [1] Vergennes still professed to believe that American liberty was but the pretext of the quarrel which was engineered by the parliamentary opposition in England. But, as things went worse with Great Britain, the tone of French complaints, on such questions as the Newfoundland fisheries and Dunkirk, grew in confidence and vigour. Vergennes honestly believed that, when England was in question, France and Spain could only count on peace by being formidable for war. The task of France was made more difficult by the attitude of Spain, which chose the moment to embark in a useless war against the Barbary pirates ; and by the weakness of the French ambassador in London, de Guines, who allowed himself to be fooled by the British Ministers. In September 1775 Beaumarchais, the versatile author of the *Marriage of Figaro*, was sent on a secret mission to London, to report upon the situation ; while at the same time a French agent Bonvouloir sailed from London for Philadelphia. His mission was merely to keep his eyes open and to report. He was forbidden to give the Americans any distinct promises of help. He was, however, to reassure them regarding Canada, and to express an intention of opening French ports to American shipping. The fatal

[1] *Ibid.*, pp. 82–3.

Proclamation of 1775, which stamped the colonies as rebels, caused Vergennes to abandon the opinion, which he had hitherto held, that Great Britain might patch up its quarrel with its colonies.[1] The French ambassador called attention to a paper which proposed that France should assist England in coercing her colonies.[2] Vergennes wrote that he could easily see the benefit that would result therefrom to England; but that the reciprocal advantages which France would obtain were not so clear.[3] But de Guines was already filling the cup of his indiscretions. His suggestions to join with Great Britain and to leave Spain in the lurch had become known to the Spanish government, and at its request he was recalled.[4] Vergennes's policy was to let England exhaust its resources in a disgraceful civil war; whilst he built up the French power. He did not believe that the troops, poured by Great Britain into America, were intended against the Spanish colonies. At the same time he was willing to risk war sooner than see an Anglo-Russian alliance[5] for the reduction of the Americans. He believed that if these latter were left to themselves Great Britain would in time wear down their opposition; in which case France would be the final sufferer. French interests, therefore, demanded that the American colonists should be assisted towards their independence.

It was necessary to proceed cautiously, and promises of help were to be held out before help was actually given: none the less the policy which afterwards prevailed was already sketched in outline. But though Vergennes had already made up his mind, and though he was able to convince his irresolute master, he had more difficulty with some of his colleagues. Especially with Turgot; who, with mind fixed on the restoration of financial equilibrium and with *a priori* views regarding

[1] *Ibid.*, p. 174. [2] *Ibid.*, pp. 189–193 and 232–5. [3] *Ibid.*, p. 190.
[4] *Ibid.*, p. 257. [5] There had been rumours of such an alliance.

colonies, which affirmed their temporary character, was averse to any measures which might precipitate war.[1] The majority of the ministers were in favour of helping the Americans, secretly, whilst putting off for the present the final decision; and in consequence Turgot resigned. The Spanish government made things more difficult by wishing to waste the allied forces in attacks upon the Portuguese colonies. In 1776 it was Spain which took the lead in advocating a forward policy against Great Britain. The latter might be crippled permanently, were Ireland assisted to independence.[2] And yet, when Vergennes suggested that Louisiana would be a good place to store ammunition and arms intended for the benefit of the American insurgents, Grimaldi, the Spanish Minister, at once began to make excuses.[3] He sought to throw the burden of warlike measures upon France, whilst Spain should reap their fruits. Vergennes was determined to advance cautiously; but none the less the day of open adherence to the cause of the Americans was inevitably drawing nearer and nearer. The reasoning of Beaumarchais prevailed which maintained that, at all costs, peace must be prevented from being made between England and her colonies; and that the one way of preventing that peace was to maintain a balance of strength between the combatants by assisting the Americans. The French had the wisdom to refuse the request of Spain that they should lock up 12,000 men in St. Domingo, to perish by yellow fever.[4] As the difficulties of the British increased, Vergennes grew more outspoken in his complaints regarding the Newfoundland fisheries and the East. He was not yet in favour of war; but he believed that their American embarrassments would keep the English from seeking a new enemy. In May 1776 Beaumarchais returned to France, and the arrival in that country

[1] *Ibid.*, pp. 280–3. [2] *Ibid.*, 352–8. [3] *Ibid.*, pp. 333–43, 352–8.
[4] *Ibid.*, p. 427, and *Ibid.*, vol. ii, pp. 297–301.

of an American emissary, Silas Deane, gave opportunity to political-commercial transactions the outcome of which was to draw closer the relations between France and the Americans.

In an interview with Silas Deane on the 17th July Vergennes explained that whilst the shipping of warlike stores could not be openly encouraged owing to the good relations existing between the French and British governments, no obstacle would be placed in the way of those furnishing them. Vergennes was guarded in his references to American independence but abruptly asked the question 'If the colonies declare their independence will not they then fall to pieces?' a remark which gave Silas Deane the opportunity of giving convincing reasons why such a result was improbable. Vergennes finally declared that the American people and their cause had the respect of all dispassionate observers.[1]

Although the declaration of American independence made no immediate change in the political situation, we find from a long minute (dated 31 August 1776) addressed by Vergennes to the king and his colleagues that he already recognized that war with England was inevitable. His policy was to wear out the British strength. He did not think that the Americans would succumb; and, therefore, held that everything was to be gained by waiting. Short of actual military assistance every possible help was given to the Americans; and volunteers on behalf of the American cause, French, German, and Swiss, made Paris their point of departure. In 1776 the Prussian veteran de Kalb was introduced to Silas Deane; and in the preceding year the young and enthusiastic La Fayette had become interested in the cause which was to represent the best work of his life. For it was not only cold-blooded self-interest that was urging France to assist in the disruption of her secular foe. All that was most romantic and chivalrous in

[1] *Ibid.*, vol. i, pp. 493–4.

the gay France of the day was eager to espouse the cause of liberty.[1]

In this state of feeling, it is easy to see how sympathy with the American colonies at once reached fever height. In the past there had been Anglomania; but the American cause seemed to put forward a better kind of Anglo-Saxon ideal, not sullied by contact with society and courts. To the young French adventurers the American colonies seemed, for a time at least, a veritable Arcadia; and their people fresh from the Golden Age. In 1776, therefore, French public opinion chafed at the caution and delays of Vergennes; though doubtless that minister knew better than his critics what was the true policy of France. The arrival of Franklin in Paris in the winter of 1776 gave a fresh stimulus to American sympathies. Franklin, with his simple dress and unpowdered head, with his reputation for scientific eminence and philosophic wisdom, represented at its best the fashion of the time. He had come to negotiate, along with Silas Deane and Arthur Lee, a treaty of amity and commerce between France and the United States. The just and generous treatment their commerce had received by a free admission into the ports of France, with other considerations of respect, had induced the Congress to make the first offer to that country. But the time had not come for France to accept this offer; and the Americans were for the present put off with soft speeches.

Throughout the year 1777 the French carried on the same game of secret assistance. The war between England and her colonies was a golden opportunity for French commerce. Great Britain's export trade to America was a thing of the past; and English merchants could only find an American market for their goods by sending them on French ships. According to the *Annual Register* for 1776: 'Foreign nations,

[1] See Sir G. Trevelyan's *The American Revolution*, Part III, pp. 441–5.

not having yet got into the way of providing a proper assortment of goods for the American market, resort hither for supply. This is felt in all the manufacturing towns; and the ministry owe much of their quiet during the present contention, to that source.'

Nor was it merely by goods and arms that France helped the Americans. A loan was at once granted to the Commissioners of two million francs, bearing no interest and to be replaced only when the United States were settled in peace and prosperity. Other loans followed in quick succession; and in all, some 26 million francs was obtained from France by the persuasiveness of Franklin. Of the cruisers which swept the sea under the American flag not a few were manned and armed exclusively by French. American privateers found friendly welcome in French ports and a ready market for their goods.

France was now more confident, because her Navy was at last sufficiently restored to be formidable. In July 1777 Vergennes in a powerful dispatch [1] (23 July 1777) urged on the Spanish government the expediency of entering into an open alliance with the American colonies. The day was past when secret assistance would suffice. Considering the feeble character of the American federation and the limited horizon of the people there was little fear of their becoming rivals to France or Spain. Moreover, such indignation had been excited in England against the proceedings of the French that, unless France took the initiative, she would find herself forestalled by England in hostile measures. There was the ever present fear that England, abandoning the attempt to reduce her colonies, would turn the full force of her arms against France. In spite of the reluctance of Spain to follow in the steps of her ally, France was determined to act alone. She could not refrain from her encouragement of the Americans, because, if she did so, the result might be to throw them back into the arms of

[1] Doniol, *op. cit.* vol. ii, pp. 460–9.

Great Britain; in which case a joint attack might be made upon the French and Spanish possessions. But this encouragement was exciting the natural indignation of the British government, which demanded its repudiation in terms that appeared insulting to a high-spirited nation. In any case then it was hardly possible that the outbreak of war could have been long deferred. Nevertheless, the popular view seems correct that it was the surrender at Saratoga of Burgoyne's forces in the autumn of 1777 which was the immediate and direct cause of the Franco-American alliance. Conscious perhaps of its own weakness, much less keen than the French about the humiliation of England, the Spanish government still refused to act. The French Minister realized the seriousness of his position. He was made actually ill by the sense of the necessity of acting without the co-operation of Spain. According to his own testimony, it was the courage and determination of Louis XVI which brought matters to a crisis.[1] At last, given confidence by Burgoyne's surrender at Saratoga and obsessed by the fear that a reconciliation, behind their backs, between Great Britain and her colonists might spoil their game, the French recognized the necessity of publishing abroad the fact that they had entered into a treaty of friendship and commerce with the United States. The treaty was signed on the 6th February and the announcement of it was made to the British government on the 13th March 1778; with the ironic hope that its communication gave fresh proof of the French king's desire to maintain peace between France and Great Britain.[2]

According to the French ambassador, Lord Weymouth, the Secretary of State, received the dispatch with tears in his eyes of sorrow or of anger.[3] The reply of Great Britain was the recall of its ambassador from Paris;[4] to which the rejoinder

[1] *Ibid.*, vol. ii, p. 736. Letter of 8 January 1778 to French ambassador at Madrid.

[2] *Ibid.*, vol. ii, p. 824.

[3] *Ibid.*, p. 828.

[4] *Ibid.*, p. 829.

of France was the expulsion of the British Commissioner from Dunkirk.[1] Such expulsion amounted to an actual declaration of war. After going through the volumes of Doniol's *Histoire de la participation de la France à l'établissement des États-Unis d'Amerique* there is no reason to question the substantial justice in the statement in the *Annual Register* of 1778. 'Upon the whole, whatever evasion or duplicity might have appeared in the language and professions of France, her conduct was so unequivocal in the course of this business that the only matter for surprise would be if it could be thought possible that she imposed upon any people by the one, or that they could mistake her designs in the other.' But it was not merely, as the writer seems to think, the attractions of the American commerce, that whetted the appetites of the French, there was also a very real desire for vengeance, to be even with the arrogant power that had humbled France to the dust. Moreover, it seemed as though at last a league of nations might be set on foot, all interested in humbling the pride of the sea-power which treated with scant respect in time of war the rights of neutrals. Add to this the wave of sympathy which had risen in favour of the Americans, rightly struggling to be free, and we may form some conception of the difficulties with which Great Britain was confronted.

The ephemeral character of Howe's successes to the south was seen when simultaneously with the arrival of the commissioners in the early summer of 1778 Philadelphia had to be evacuated. Had the instructions given to the Commissioners, Lord Carlisle, Willian Eden, and Governor Johnston, been issued at an earlier date, they might have opened a road to peace. 'It being to be understood that the design expressed by our subjects in America, to return to their condition in 1763, is the principle of the present negotiation, that proposition

[1] *Ibid.*, p. 833.

in general terms must be agreed to at once.'[1] 'If it appears to you that no pacification can take place except upon a condition that the office of governor . . . shall become elective, even this point may in such case be conceded.'[2]

'If it should be proposed that a general Assembly in the nature of the present Congress . . . consisting of delegates from the said several colonies, should be constituted or established by authority . . . you are not to decline entering into consideration of the said proposal' so long as the sovereignty of the Mother Country was not infringed, or powers given to such Congress as would imperil the sovereign rights of the Crown and the constitutional control of Great Britain.[3]

But the treaty between the United States and France had been signed in the previous February and there was henceforth no room for any separate settlement between the members of the British family.

At the meeting with members of the Government to make the preliminary arrangement 'little passed of any real importance' and Lord Carlisle came away by no means edified with the conversation and not a little shocked at the slovenly manner with which 'an affair so serious . . . had been dismissed. But the sulkiness of some, the childishness of others and the haste with which everything was hurried did not long remain unaccounted for, for on that day the Administration had found their error with regard to the intentions of France.'[4] The intention to evacuate Philadelphia had been concealed from the Commissioners; so that when they arrived there it was only to take part in an undignified scuttle to New York. 'If we had been acquainted with the measure proposed, we must have been either accessory to the loss of this part of the Empire, or have flung up the commission, considering it not

[1] *Hist. MSS. Comm., 15th Rep.*, App. 6, *Carlisle MSS.*, p. 326.
[2] *Ibid.*, p. 330. [3] *Ibid.* 331. [4] *Ibid.*, p. 377.

strictly honest to receive the public wages without the least possibility of benefiting either this country or our own by our labours.' [1]

As was in the circumstances inevitable, the Commissioners received on the 2nd June an answer refusing to enter into any treaty with them, unless the independency of America was explicitly acknowledged, or the British armies and fleets withdrawn from the coasts; [2] and upon the Commissioners again writing questioning the power of the Americans to make foreign alliances, Congress resolved to make no answer, there having been no compliance with the two preliminary articles of treaty.[3]

'If any strong hope of success in the negotiation had remained the evacuation of Philadelphia and the consequent retreat of the army to the northward, just at the arrival of the Commissioners would have completely frustrated them. Commissioners accompanying a retreating army, which was on the act of abandoning the principal advantage of two years' war, could not promise themselves a great superiority in any treaty; and the more advantageous the offers they should make in such circumstances, the more their concessions would be considered as proofs of weakness, not of good will.' [4]

The British Army made good their retirement to Sandy Hook, whence they were conveyed by the fleet to New York. They appear narrowly to have escaped a great catastrophe.

'On the 2nd day after the conveyance of the army from Sandy Hook Lord Howe received intelligence by his cruisers that the French fleet under D'Estaing had been seen on the coast of Virginia, on the very day that the army had passed the bridge at Sandy Hook. If D'Estaing had met the transports either in the Delaware, or on the passage from thence, loaded and encumbered as they were, and convoyed only by two ships of the line with a number of frigates, the consequence

[1] *Ibid.*, p. 345. [2] *Ibid.*, p. 384. [3] *Ibid.*, p. 385.
[4] *Annual Register*, 1778, p. 220.

with respect to the fleet is obvious. But it may not so immediately appear that the fate of the army was so intimately combined with that of the fleet that the destruction of the one would have been the inevitable loss of the other. For as the army could not then, by any possible means, have prosecuted its way to New York and would have been enclosed on one side by the American army and on the other by the French fleet, cut off from all supply of provision and destitute of every resource, a repetition of the Saratoga catastrophe must have been the certain consequence.' [1]

Fortunately the wind and the weather frustrated D'Estaing's design of surprising the British fleet and enclosing the British army at Philadelphia, although British generalship had given him opportunities of which perhaps he did not make the best use.

During the second half of the war the main theatre of operations was the Southern colonies. A successful expedition from New York in 1778 reduced Georgia, the most southerly and the most recent of the American colonies, wherein the forces of the patriots and the Loyalists seem to have been pretty equally divided. But this was only the preliminary step in a more general attempt to capture the South. The defeat of the French fleet and the failure of D'Estaing's enterprise gave the opportunity. South Carolina was the immediate and chief objective. 'Besides the numerous benefits', we are told, 'to be immediately derived from the possession of that province of opulence and staple product, and the unspeakable loss which it would occasion to the enemy, its situation rendered it still more valuable from the security which it would not only afford to Georgia, but in a very considerable degree to all that southern point of the continent which stretches beyond it.' [2] Towards the end of 1779 the main British army was conveyed from New York to Savannah. Thence it proceeded to the coast of South Carolina where it landed without opposition.

[1] *Annual Register*, 1778, p. 227.

[2] *Ibid.*, 1780, p. 217.

It proceeded to besiege Charlestown which finally capitulated on the 11th May 1780. For a time all seemed to go well for the British, and the reduction of South Carolina was deemed so complete that Clinton on returning to his head-quarters at New York claimed that there were few men in the Province who were not either prisoners to, or in arms with, the British forces; and boasted of the number of the inhabitants who came in from every quarter to testify their allegiance and to offer their services in arms in support of the British Government. In many instances these men brought as prisoners those who had been their former leaders or oppressors. By a most rash proclamation Clinton refused to recognize anything in the nature of neutrality. Every man must either avow himself an open enemy or take an active part on the side of the Government. The province would thus be compelled to contribute largely to its own defence. 'This system', the contemporary chronicler remarks, 'of subduing one part of the Americans by the other and of establishing such an internal force in each colony as would be nearly, if not entirely, equal to its future preservation and defence had been often held out, and much suggested in England as practicable; and indeed as requiring only adoption to secure success.' 'But the wisdom of the measure in question depended entirely upon the number of persons in the respective colonies attached to the British Government.'[1] In South Carolina, as it turned out, the half-hearted formed the bulk of the population; and it only required a military reverse for the whole house of cards erected by Clinton to tumble to the ground.

A premature Loyalist rising in North Carolina was suppressed with vigour and the North Carolina Government showed no little activity in its military proceedings. In this state of things the false character of the submission of many of the people

[1] *Ibid.*, p. 224.

in South Carolina became very apparent. As the Americans increased in strength and approached nearer, numbers of those who had submitted to the British Government, and others who were on parole, abandoned or hazarded all things in order to join them. For the time the situation was righted by the victory of Camden fought on the 15th August 1780 in which Lord Cornwallis completely defeated the American army under General Gates. The battle of Camden was followed by further successes. 'These splendid successes', wrote the *Annual Register*, 'laid the Southern colonies open to all the effects of the spirit of enterprise which distinguishes Earl Cornwallis and which he communicates to all who act under his command. In any other war than the American they would have been decisive of the fate of those colonies. But it has been the singular fortune of that war that victory, on the British side, has been unproductive of its proper and customary effects.' [1]

In this particular case it was success which brought about the final failure. It is unnecessary for our purpose to go into the difficult question of the Clinton-Cornwallis controversy. We must recognize that Cornwallis occupied a somewhat anomalous position as a subordinate general who communicated direct with the British Government. But whether the responsibility was Clinton's or Cornwallis's, the vital point was that success led to the extension of operations to Virginia, with the final result of the capitulation of Yorktown. The American defeat at Camden may in great measure be ascribed to the incapacity of Gates as a general; for it had generally become manifest that, under the tempering influence of practice, the raw material of the first years of the war had become hard steel. Nor was the loss of Charlestown an unmixed evil for the Americans. It awakened them to a vigour of exertion instead

[1] *Annual Register*, 1780, p. 234.

of depressing or cowing them. The very loss of that place became a ground of hope through the wide separation which it had caused of the British forces and the consequent incapacity of their divided armies to support each other. Moreover, there was the expectation of such naval and military forces from France as might turn the balance in the war.

Roughly speaking, we may say that till almost the end French help was a will o' the wisp, proving a sore disappointment to the Americans. Dour New Englanders of the type of John Adams found it very difficult to believe anything good of papist France ; and, as the months passed and nothing effectual was done, the doubters seemed to have reason on their side. Moreover, there were constant apprehensions with regard to Canada. The Americans had no intention that their liberties should be achieved at the cost of again finding a French possession at their northern boundary. The pleasant personality of La Fayette did much to disarm suspicion ; but as a rule the relations between the allies were very different from what they seemed afterwards when men looked back at things through the glamour of memory. Nevertheless in 1781 the French factor proved decisive.

In spite of his success at Camden Cornwallis failed in his efforts to overrun North Carolina ; and finally retired exhausted upon Wilmington on the seaboard. He had then the choice of either falling back upon Charlestown, or of advancing northward into Virginia, so as to co-operate with another small British expeditionary force. Clinton was doubtful of the wisdom of the latter step. 'Operations in the Chesapeake', he wrote, 'are attended with great risk unless we are sure of a permanent superiority at sea. I tremble for the fatal consequences that may ensue.' But before receiving this warning, Cornwallis had taken his momentous decision and advanced into Virginia.

Early in August, acting under orders from Clinton, he withdrew his troops into the Peninsula between the York and James rivers and occupied Yorktown. The French naval and military forces were now acting in co-operation; and, owing to a temporary command of the sea being obtained by the French, Cornwallis's position became untenable. He was compelled to surrender on the 19th October 1781.

With this disaster the hope of subduing the colonies died in England. Though the conflict flickered on for a little longer, it had in fact reached its decision. The real cause of the British failure seems to have been the unfortunate division of the English fleet between the West Indies and North America. On this question Admiral Mahan writes: 'It is easier to criticize this division . . . than to realize the embarrassment of the situation. This embarrassment was but the reflection of the military difficulty of England's position all over the world in this great and unequal war. England was everywhere outmatched and embarrassed, as she has always been as an empire, by the number of her exposed points.' [1]

'Before quitting that struggle for independence,' Mahan elsewhere writes, 'it must again be affirmed that its successful ending, at least at so early a date, was due to the control of the sea-power in the hands of the French and its improper distribution by the English authorities.' [2] Washington had recognized and affirmed in July 1780 that 'In any operation and under all circumstances a decisive naval superiority is to be considered as a fundamental principle, and the basis upon which every hope of success must ultimately depend.' [3] That

[1] *The Influence of Sea-power upon History*, p. 392. [2] *Ibid.*, p. 397.

[3] 'Memorandum for concerting a plan of operations with the French army,' dated 15 July 1780. *Ibid.* He wrote to Laurens on 15 January 1781, 'Next to a loan of money, a constant naval superiority on these coasts is the object most interesting' (*Writings*, p. 168).

'decisive naval superiority' was not permanently maintained; but it did last long enough to give the Americans their opportunity to strike the crowning blow which decided the fate of the war.

Nor was it only strategy that was at fault. A letter of the distinguished sailor, Sir George Rodney to Lord G. Germain dated the 22nd December 1780 throws an ugly light on the system which prevailed in high quarters. He urged the necessity of carrying on the war in a very different fashion than that which had been hitherto employed.

'Nothing but the affection an Englishman bears or ought to bear to his King and Country irritates my mind when I behold her treasures squandered, her arms inactive and her honour lost, and by the very men entrusted with the most important and honourable confidence of their sovereign and his ministers, paying not the least regard to the sufferings of their country, but retarding the completion and extinction of the rebellion to make the fortunes of a long train of leeches, who suck the blood of the state, and whose interest prompts them to promote the continuance of the war, such as quarter-masters and their deputies *ad infinitum*, barrack-masters and their deputies *ad infinitum*, commissaries and their deputies *ad infinitum*, all of which make princely fortunes and laugh in their sleeves at the generals who permit it, and by every means in their power continue to discountenance every active measure, and, instead of having an idea of speedily concluding this unhappy war, their common discourse turns on what may happen in two or three ensuing campaigns. It is with real grief when I say that the language of the chief savours too much of procrastination, and, in confidence to your Lordships, I must confess that my high ideas of the great abilities and superior ability of the general to my own deceived me upon the proof, and, though I believe him and am assured that he is a brave and honest man, I am convinced nature has not given him an enterprising and active spirit, capable of pushing the advantages he may have gained in battle, but, when success has covered his arms, an immediate relaxation takes place, and his affection for

New York (in which island he has four different houses) induces him to retire to that place—where without any settled plan he idles his time and loses those moments which might be employed with the greatest advantage to the state, and suffers himself to be cooped by Washington with an inferior army without making any attempt to dislodge him.

'I owned myself hurt at his permitting the officers of the army to act plays at a season when their arms might have been employed against the public enemy. Nothing could induce me to go to them . . . Believe me, my dear lord, you must not expect an end of the American War till you can find a general of active spirit, and who hates the Americans from principle. Such a man, with the sword of war and justice on his side, will do wonders, for in this war I am convinced the sword should cut deep. Nothing but making the Americans feel every calamity their perfidy deserves can bring them to their senses.'[1]

We need not accept Rodney's views as to the Americans or even as to the generalship of Clinton to recognize that there was some truth in his criticisms. Lord George Germain himself wrote in a memorandum at the end of 1781 :

'The greatest mischief complained of in the prosecution of the war is that relaxation of discipline which disgraces the army and has alienated the affections of the inhabitants from the royal cause. Plunder has been the object, and in the pursuit of it no distinction has been made between the well and ill affected. This grievance calls aloud for redress.'[2]

When the news of the capitulation of Yorktown arrived in England, 'Lord North', Lord Loughborough wrote to Lord Carlisle, 'I understand has shown firmness in which I have seldom known him fail. Lord Gower and Lord Sandwich were not thought to possess themselves so well. The opposition was, as usual, too extravagant to create much effect. It is strange that they should never have learnt that to show exulta-

[1] *Hist. MSS. Comm., Stopford-Sackville MSS.*, vol. ii, pp. 191–2.
[2] *Ibid.*, p. 219.

tion in a public calamity makes them odious, and aids those they are attacking.' [1]

In this brief summary of events no doubt much has been omitted which was important. From the point of view of this volume there are three things to which attention must be directed, because they especially served to embitter the situation, and to prevent such a friendly settlement as in our own time we saw between the English and the Dutch in South Africa after the Boer War. In the first place there was the employment of German troops. About this a great deal of exaggeration has been used. It was the practice, a very bad one it must be admitted, of the British Government till recent times to employ foreign mercenaries in their wars. Thus as late as the Crimean War there was a German legion. Granting all this, however, a wise statesmanship would surely have recognized the danger of bringing foreigners upon the scene in what was really a squabble between different branches of the Anglo-Saxon race ; and in effect the results were deplorable. The British troops may not in all cases have been models of good behaviour ; but there is ample evidence that the worst offenders were the Hessian mercenaries. In the Jerseys their behaviour converted men who had been Loyalists or at worst neutrals into fervent patriots.[2] There was a dramatic appropriateness in the fact that the first success won by Washington in the long-drawn agony of the winter of 1776–7, the battle of Trenton, was won at the expense of these ruthless foreigners.

In the second place there was the treatment by the British Government of the question of the Loyalists. It seems clear that in the first years of the war, when important military results might have followed their employment, the tendency was to look down upon them as raw militia and to throw cold

[1] *Hist. MSS. Comm., 15th Rep.*, App. 6, *Carlisle MSS.*, p. 539.

[2] *Am. Archives*, 5th Ser., vol. ii, p. 1118.

water upon their efforts. Howe as a sincere Whig probably felt little sympathy with such people, and assuredly did not go out of his way to give them encouragement. Then when Clinton succeeded Howe and the scene of operations was transferred to the south a new policy was entered upon. The Loyalists were no longer snubbed and disregarded. They were encouraged in a system of fierce guerrilla warfare, the inevitable effect of which was to leave behind it seeds of bitterness which prevented the possibility of future friendly relations. Terrible as was the provocation under which these Loyalists often acted, we must still recognize that the system of warfare encouraged by the British authorities was the one least calculated to make a resumption of kind feelings possible.

As an example of British methods take the case of the Scottish-Irish settlers in the western districts of South Carolina. These men had a grievance against the state of things prevailing, because they had been denied political equality and were, therefore, inclined to side with the British. The British troops, however, assuming that they were hostile because they were dissenters from the English Church, treated them harshly and plundered their property; so that men who might have been most valuable allies, or at worst neutrals, became the most persistent and successful foes to British domination.

Lastly there was the question of the Indians. Here again we must clear our minds of cant and recognize that, when advantage was to be gained by it, the Americans were just as ready to make use of Indian help as were the British authorities. Still, making allowance for all this, it was, from the point of view of possible reconciliation, a great mistake for the British to be always laying emphasis on the serious character of the Indian peril, and holding it as a threat over the heads of the colonists. In fact the Indians were too few and not sufficiently trustworthy to be useful as allies or dangerous as enemies;

so that the British gained all the odium occasioned by their employment without deriving any real military support from them. The great failing of eighteenth-century statesmanship was the lack of imagination; and it was never so glaringly deficient as in the policy which led to the American revolution and in the strategy which sought to crush it.

Although the war virtually came to an end with the capitulation of Cornwallis, it was not till the beginning of 1783 that the Treaty of Paris finally ratified conditions that had been agreed upon in the preceding autumn. What brought about peace was not the collapse of British power. Great Britain, though hard-pressed, could have fought on. The deciding factor was the conviction, gradually brought home to British statesmen, that, whatever might be the military issue, the goal, to attain which they had entered upon the struggle, was now hopelessly out of reach. The ordinary British politician had never intended to hold down by the point of the sword free-born British subjects separated by 3,000 miles of ocean. And yet it became daily more apparent that this was the only alternative to the recognition of independence. The one proud spirit that would not bend to the teaching of experience was that of George III. His first minister, Lord North, had for a long time acted in blind obedience to a policy which in his heart he distrusted. But now at last relief was obtained by the king's system of personal government breaking from under him. George III could never aspire to direct rule. All that he could hope for was to obtain his ends by the exercise of influence. But that influence began to crack and melt under the dissolvent gales of national misfortune. First the unpopular colonial minister Lord George Germain had to be jettisoned; his own personal dignity being protected by a seat in the House of Lords. Then dwindling majorities in the House of Commons revealed a public opinion which even the king was

powerless to resist effectually. An address to the king, moved by General Conway, to put an end to the American War, was rejected by a majority of one; and similar resolutions were afterwards carried. Direct votes of want of confidence in the ministry were only defeated by narrow majorities. Lord North was both unwilling and unable to remain in office; and the king had no alternative but to apply to the Whigs. In the new administration the amiable, but not very capable, Lord Rockingham was first minister; and Lord Shelburne and Charles Fox were the Secretaries of State for the Southern and Northern Departments; Shelburne being the minister for home and colonial affairs, Fox for foreign. From the first differences arose between the two. Fox desired that the independence of the American colonies should be recognized forthwith; in which case the conduct of peace negotiations would fall within his province. Shelburne, on the other hand, wished 'to reserve the recognition of independence as part of the valuable consideration to be offered to the colonies for favourable terms, and to use the points where the interests of France, Spain, and the colonies were inconsistent to foment difficulties between them.'[1] It was, however, finally decided that, as a striking proof of the royal magnanimity and disinterested wish for the restoration of peace, the independence of America should be proposed by the British envoy at Paris 'in the first instance, instead of making it the condition of a general peace'. The negotiations at Paris went on in a somewhat confused and unsatisfactory way during the first half of 1782, Shelburne and Fox each being represented by their separate envoys, but the death of Rockingham on the 1st July changed the situation. The king much preferred Shelburne amongst his new ministers and was determined that he should succeed

[1] *Life of Lord Shelburne*, by Lord E. Fitzmaurice, vol. iii, p. 169.

Rockingham, whilst Fox was unwilling to serve under Shelburne. The new Prime Minister wrote :

'You very well know I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, by habits and every tie short of territorial proximity. But you very well know that I have long since given it up, decidedly though reluctantly, and the same motives that made me perhaps the last to give up all hope of reunion, make me most anxious, if it is given up, that it should be done decidedly, so as to avoid all future risk of enmity and lay the foundation of a new connexion better adapted to the present temper and interests of both countries . . . my private opinion would lead me to go a great way further towards federal union, but is either country ripe for it ? If not, means must be left to advance it.

'You will find the ministry united in full possession of the King's confidence, and thoroughly disposed to peace, if it can be obtained upon reasonable terms ; if not, determined to have recourse to every means of rousing the Kingdom to the most determined efforts. The liberal spirit which has taken place in our domestic government, new plans which are offering every day for augmenting the navy, the national spirit which must result from ill-treatment and oppression, the open and weak parts of some of our enemies who have large and distant dominions as well as ourselves to play for, will, I am sure, produce greater effects than our enemies imagine ; but the public expectation will be proportionately raised, and peace rendered more difficult than ever.' [1]

Distrust of the French undoubtedly made the Americans more willing to listen to the British overtures. These allies would not have been unwilling that Great Britain should persist in the claim to the western lands that had been included in Canada by the Quebec Act ; but the British Government most wisely were willing to restrict Canada to its boundaries under the Proclamation of 1763 ; thus recognizing as American

[1] *Ibid.*, pp. 248–9, 27 July 1782, Shelburne to Oswald.

the hinterlands of the old colonies. The resolution of George Rogers Clark had already decided the question; and the provisions of the treaty only gave recognition to accomplished facts.[1] It was difficult to find a satisfactory boundary between Massachusetts and Nova Scotia. The real boundary of French Acadia had never been defined, and Nova Scotia inherited the problems of its French predecessor. So long as both countries were British, strategic inconvenience in a boundary did not greatly matter; and this it was which made the boundary finally settled upon so practically inconvenient. In any case there was not at the time of the Treaty of Paris sufficient geographical knowledge to arrive at a satisfactory solution, and words were used without much apprehension of their true meaning.

The real crux of the negotiations was the question of the Loyalist claims, and here a solution was arrived at which in fact shirked the main difficulty and left room for much future trouble and heartburnings. It must be remembered that at the time the United States were a singularly loose and inartistic confederation; and that it was practically impossible for the central authority to bring proper pressure to bear upon a recalcitrant state, supposing that state acted in defiance of a treaty about the terms of which it had never been consulted.

Shelburne was most anxious to satisfy the just claims of the Loyalists.

'In regard to the refugees', he wrote, 'can there in nature be anything more reasonable than to insist on the justice due to them? Nor can a single argument be offered against it except what you urge of the particular situation of the Commissioners acting under thirteen provinces, with different provinces, and in fact no common centre. To remedy

[1] See R. L. Schuyler, *The Transition in Illinois from British to American Government*, 1909.

this, the matter of the boundaries and backlands naturally presents itself. Independently of all the nonsense of charters, I mean when they talk of extending as far as the sun sets, the soil is and has always been acknowledged to be the king's. For the good of America, whatever the government may be, new provinces must be created on those backlands and down the Mississippi; and supposing them to bes old, what can be so reasonable as that part of the Province, where the King's property alone is in question, should be applied to furnish subsistence to those whom for the sake of peace he can never consistently with his honour entirely abandon.

'The debts due to our merchants previous to 1775 cannot be lightly passed over. They regard some of our most considerable merchants who are full of apprehensions and are making daily applications to Government. Honest debts must be honestly paid and in honest money, and to prove them honest, some security is expected in lieu of the right of appeal which existed when they were contracted. These are considerations dictated by honour and justice, which can never be sufficiently dwelt and insisted upon.'[1]

Nevertheless the best that could be obtained for the Loyalists and the British creditors were the Articles IV–VI of the treaty. Under Article IV creditors on either side were to meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted; whilst under Article V the Congress was *earnestly to recommend* to the legislatures of the respective States that they should provide for the restitution of all estates, rights, and properties which had been confiscated belonging to bona fide British subjects, and also of the estates, rights, and properties of persons resident in the districts in the possession of his Majesty's arms and who had not borne arms against the United States. Persons of any other description were to have free liberty to go to any part of the United States and remain

[1] Fitzmaurice, *op. cit.*, vol. iii, pp. 284–5.

there twelve months unmolested whilst endeavouring to obtain the restitution of such of their estates, rights, or properties as might have been confiscated. Congress was also earnestly to recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said acts or laws perfectly consistent not only with justice and equity, but with the spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. By Article VI no future confiscations were to be made or any prosecution commenced against any person for the part which he might have taken in the late war; and no person was on that account to suffer any future loss or damage either in his person, liberty, or property. The American Peace Commissioners, J. Adams, Franklin, and J. Jay, wrote:

'In whatever light the article respecting the Tories may be considered in America, it is considered in Europe as very humiliating to Great Britain and therefore as being one which we ought in honour to perform and fulfil with the most scrupulous regard to good faith and in a manner least offensive to the feelings of the King and Court of Great Britain, who upon that point are extremely tender.

'The unreasonable and unnecessary resolves of various towns on this subject, the actual expulsion of Tories from some places, and the avowed implacability of almost all who have published their sentiments on this matter, are circumstances which are construed not only to the prejudice of our national magnanimity and good faith, but also to the prejudice of our governments.'[1]

Nevertheless, in the words of a distinguished American historian, Professor McMaster, writing in the *Cambridge Modern History*: 'The States gave no heed whatever to these Articles. The confiscation Acts were not repealed. Impediments were placed

[1] B. Franklin, *Works*, vol. x, p. 401.

in the way of recovery of debts; and thousands of loyalists were driven out of the country.'[1] The British were no less unwilling to obey the letter of the Treaty. Availing themselves of the excuse given by the failure of the Americans to fulfil their obligations, they put off the restoration of the Western Posts, which were of importance as being the centres of the Indian fur trade. In short, just as the war had been waged in such a manner as to embitter and sour the every-day relations between man and man, so it was ended in a fashion that left behind a heritage of mutual misunderstanding between the two peoples. It is not necessary that the incidents of war between two nations should leave behind it such a heritage. There was a charming proof of the contrary in the respective confidences of Lord French and of General Smuts with regard to their feelings during the South African War. The soldier concerned with the simple loyalties of a natural life learns to respect and feel affection for a chivalrous foe.

For those of us, however, who believe that with all its faults the British Empire of to-day may be made a great instrument for good in the history of the world there was a silver lining to this dark cloud, the full benefit of which we have even now not fully experienced. Had the United States shown generosity and moderation in dealing with those who had taken the British side, when resistance was hopeless, these men would in all probability have settled down as peaceful citizens. To the Americans the gain would have been great, from the presence in their midst of a strong conservative element. But what would have been the effect upon the British Empire? In this case Western Canada would have remained the haunt of an occasional hunter or fur-trader until in the fullness of time emigrants from the American States to the south filled its waste places with an agricultural population. French

[1] *The Cambridge Modern History*, vol. vii, p. 307.

Canada might have remained a tiny French preserve in a continent dominated by the United States; but it is doubtful how long Nova Scotia, in spite of its British traditions, could have resisted the powerful American contagion. As things were, the exodus of the American Loyalists and their peaceful settlement in Western Canada gave the British Empire a new opportunity to profit by the lessons of the past, and a new stage upon which to show that the mistakes of the past were to some extent accidental and not inherent in the character of Great Britain or in the relation of Mother Country and colony. This exodus gave, above all, the necessary time during which a second British Empire might slowly develop. As things were, the British were only just in time, and, in spite of their presence in Upper Canada, or as it is now called Ontario, and in British Columbia on the Pacific coast, it is possible that the empty lands of what are now Manitoba, Saskatchewan, and Alberta, might have attracted immigrants from the American States to the south, had not the American Civil War postponed matters and allowed the Canadian confederation to take measures by which these fertile lands should become part and parcel of itself. That there is at this day a British Canada with all the possibilities which its existence involves, we owe in all human probability to the short-sighted intolerance which drove forth into the wilderness no small proportion of the best of the American people.

7

The American Loyalists

In the history of the American Revolution the story of the Loyalists has been for the most part a suppressed chapter. In fact their existence has suited the views neither of those who could see no fault in the conduct of the Americans nor

of those who were thick-and-thin supporters of the British Government. Read through those magnificent speeches of Burke, veritable κτήματα ἐς ἀεί, and you would never gather that such people had ever existed. Upon the other hand, if they existed in force, their political influence was so trifling as to reflect blame upon the British authorities who made such small use of them; so that the English Tory partisan was not likely to dwell upon their importance. We are indeed often reminded that British Canada largely owes its very existence to these men. Nova Scotia always suffered from lack of a British population till the coming of the Loyalists enabled it to take new life, and to allow the new province of New Brunswick to be formed out of it; and Upper Canada was an unpeopled wilderness with only a French trader scattered in it here and there before these new immigrants laid the foundation of the province which was to be the backbone of British interests in North America. But with this aspect of the subject we have here nothing to do. All with which we are concerned is the story of the American Loyalists during the years of the Revolution.

Although this subject was for a long time somewhat neglected by historians, there are now two excellent volumes on it. *The Loyalists in the American Revolution*, by Professor C. H. Van Tyne, is an admirable sketch of the whole subject. Professor Flick's *Loyalism in New York* deals, as its name implies, with only one State; but that State from this point of view was the most important of the thirteen; and it would be difficult to praise too highly Mr. Flick's work for thoroughness and impartiality. The present writer edited for the Roxburghe Club a volume dealing with Loyalist claims before the Royal Commission appointed after the close of the war; so that he has come into close contact with the whole subject.

Great stress has been laid upon the calculations of John

Adams and Thomas McKean made in after years as to the numbers of the Loyalists. But for practical purposes it is more important to note how the question presented itself to the men of the time. In a confidential letter to Silas Deane the Committee of Safety wrote:

'The only source of uneasiness amongst us arises from the number of Tories we have in every State. They are more numerous than formerly and speak more openly; but Tories are now of various kinds and various principles. Some are so from real attachment to Great Britain; some from interested views; many, very many, from fear of the British forces; some because they are dissatisfied with the general measures of Congress; more because they disapprove of the men in power and the measures in their respective States.' [1]

Similarly Washington wrote to his brother in the same month:

'Between you and me I think our affairs are in a very bad condition; not so much from the apprehension of General Howe's army as from the defection of New York, New Jersey, and Pennsylvania. In short, the conduct of the Jerseys has been infamous. Instead of turning out to defend their country and afford aid to our army, they are making submissions as fast as they can.' [2]

John Adams believed that it was only the existence of New England and Virginia on their flanks that prevented New York and Pennsylvania from openly adhering to Great Britain.

But if these things are conceded, the question remains, and is indeed at first sight very puzzling—Why, with their numbers and their importance, did the Loyalists show themselves singularly incapable of influencing the course of events? The first reason was, I think, the fact that the Loyalists, being by nature conservatives, were naturally slow to act; and thus found

[1] Force, *Am. Archives*, 5th Ser., vol. ii, p. 821.
[2] *Ibid.*, vol. iii, p. 1275.

themselves forestalled by their more active opponents. It was the belief of British officials, which was shared by their colonial supporters, that the extreme measures of the American committees, who were usurping the powers of government, would inevitably lead to reaction and disgust.

'Every step taken', Lord Dunmore wrote in the letter already quoted, 'by these infatuated people must defeat its own purpose. The non-importation and non-exportation agreements cannot fail in time to produce a scarcity which will ruin thousands of families; and, as to manufactures, here the people are not naturally industrious. The arbitrary proceedings of the Committees cannot likewise fail of raising quarrels and dissensions which will create partisans of government. He is persuaded that this colony by its own acts and deeds must be brought to see the necessity of dependence upon the Mother Country and of embracing its authority.'

It is obvious how great an influence considerations such as these must have had in leading Loyalists to put off from day to day open opposition to the measures of the majority. When the familiar argument about giving plenty of rope, so that the man might hang himself, seemed to appeal to a Governor, who was by no means generally of a conciliatory disposition, it is obvious what weight it would carry in the minds of peaceable opportunist citizens.

Moreover, at first they had such trust in the invincibility of Great Britain that they did not deem action on their own part necessary. Once more, the British authorities for a long time showed themselves singularly incompetent for the work of organizing the Loyalist resistance; Cornwallis being the first British commander who understood the management of these people. Edward Winslow was an active Loyalist who afterwards found a new home in New Brunswick and whose Papers, edited for the New Brunswick Historical Society, are a storehouse of information for the early years of the Loyalists

in that province. He served as Master-Muster-General of the Provincial Forces, and therefore spoke with authority on the subject. We find him writing in 1779:

'The original design in the institution of the Provincial Corps was to employ as beneficially as possible such of the Americans . . . as inclined to serve in the military line, that those who were of consequence in the country might exert their influence in procuring recruits for the service of government. In this light the plan was viewed by the King's friends assembled at Boston . . . and I have not forgotten with what alacrity the idea was adopted by many of the most respectable characters among the refugees. Such, however, was the situation of the British army, their distress for provisions and other perplexing circumstances, that an effort to raise recruits would have been impolitic and must have proved ineffectual . . . The first provincial recruits that joined the army was a party called the New York volunteers. They were collected about the North River before the troops appeared in that quarter. After some months they were forwarded to Halifax, where they arrived a few days before the embarkation of the troops. Here they were reviewed and formed into two companies . . . At that time it was urged that no provision was made or fund established from which these unfortunate men could be clothed or accoutred, and they embarked with the troops with only the wretched remnants of the apparel with which they had escaped from the rebels six or eight months before. In this distress they landed at Staten Island. A few small articles were bestowed on them while there, but nothing to relieve them essentially. On the famous August 26, 1776, when the rebels were subdued on the island, the two companies served together and distinguished themselves in such a manner as to extort the most particular compliments from the commander-in-chief. Almost naked and extremely feeble from a long series of fatigues, they absolutely did not murmur, but appeared to realise that the rebels of that country were the original causes of all their misfortunes; and this consideration whetted their resentment to a great degree of keenness. But the inattention to this meritorious little party (although it had not the effect which might naturally

have been expected on the members who composed it) was matter of serious concern to others. Sensible men, who were zealous in the King's cause, had anticipated the most cordial welcome and ample support to such as should join the troops. They were exceedingly disconcerted at the treatment of these volunteers. It was not credible that a general, whose command was so extensive, could possibly want the power to furnish necessaries to 200 men, if his disposition towards them was favourable.' [1]

It is impossible to imagine a colder douche to Loyalist enthusiasm.

Such was the state of things under Howe; nor were matters amended by the accession to power of Sir H. Clinton. Edward Winslow wrote to Governor Wentworth in 1781:

'Having long since established in your mind . . . the propriety and expediency of employing the gentlemen of this country, I readily declared my resolution to engage in the provincial service. Till the present time I have seen no fair opening. The anticipations of impediments in the recruiting business, had it not been for the discouraging partiality shown to particular regiments, would never have discouraged me, but the necessity of contact with men, whose ideas of service were very different from my own, was the obstacle that weighed most in my mind; for till lately there have been to all the Provincial Regiments recommendations of officers which were next to positive orders from the Commander-in-chief. . . In one instance a plan as well digested, as ever a recruiting officer formed, failed merely from the difficulty of obtaining a Pass from Headquarters to bring off the recruits, and eighteen men who could have been doing duty as dragoons . . . are now suffering punishment in Simsbury mines (Connecticut).' Again: 'In short it was evident that the general' (Ruggles, a distinguished loyalist) 'had from the unpardonable inattention to him and from other causes, contracted such a disgust to present men and measures here that he could neither negotiate with confidence nor serve with alacrity.' [2]

[1] *Winslow Papers*, ed. by W. O. Raymond for the New Brunswick Hist. Soc., 1901, pp. 42–4.

[2] *Ibid.*, p. 69.

There was perhaps some malice, as well as exaggeration, in the accounts given by the Americans of the contemptuous treatment accorded to the Loyalists by their British comrades in arms; but, considering the attitude generally taken up by the British officers towards the Americans in the Seven Years' War, and the natural contempt of the professional for the amateur, it is pretty certain that Loyalists must have found very often their patience sorely tried.[1]

Moreover, whilst, in spite of difficulties in the way, excellent military work was done by Loyalist leaders, the system under which enlistment went on tended to encourage the enlistment of faulty material. It was the interest of the recruiting officers to obtain as many premiums on enlistment as possible. Accordingly, we hear of the enlistment of deserters, and of men through the prison bars, who were often released on easy terms, without regard to their principles or character. No wonder that a Major Gray declared that 'he had been a soldier thirty years, but had never had such trouble as with these fellows'.[2] Infinitely more harm, it was recognized, had been sustained by friends of government than their services could ever atone for. At the same time there was an undignified competition for commissions. 'The true spirit of a refugee Loyalist,' wrote Haldimand, the Governor of Canada, 'driven from his country by persecution, is to carry arms, but there is no end to it if every man that comes in is to be considered and paid for as an officer.'[3]

A further cause of Loyalist weakness was the uncertainty with which men stood with regard to their neighbours' opinions.

[1] On the 'illegal and cruel treatment of Loyalists by the British military during the war' see *Hist. of New York during the Rev. War*, by T. Jones (vol. ii, ch. v), but the statements of this author must be taken with a grain of salt.

[2] Brymner, *Can. Archives*, 1888, 'Haldimand Coll.', vol. ii, p. 641.

[3] *Ibid.*, p. 665.

Beverley Robinson, one of the most active and able of the Loyalists, wrote to Ethan Allen, the Vermont adventurer, who was coquetting at the time with the British, with the view of safeguarding the interests of his state, in March 1780, that the reason for the long continuance of the war was that those who wished for an equitable connexion with Great Britain did not communicate their sentiments with each other;[1] but his choice of a confidant shows the dangers of such communication. The Americans carried the system of spying and of denouncing so-called traitors to great lengths; and an isolated Loyalist might feel himself paralysed, unable to confide in his neighbour, for fear of becoming the victim of some *agent provocateur*. Beyond and above all this, there was a further reason why the Loyalists became discouraged and were unable to do justice to their strength. This cause was the strange and unprecedented methods of carrying on the war employed by Great Britain—successive evacuations, which of necessity shattered confidence; hesitation and delays, when a bold stroke could hardly have met with failure; cruelty and repressive measures when conciliation was indispensable.

Moreover, when the British authorities showed some energy, as in the case of Lord Dunmore and Governor Tryon, it took so questionable a shape as to shock the conservative instincts of ordinary Loyalists. Dunmore, having ravaged without result the portions of Virginia which touched upon the sea-coast, and having made an ineffectual attempt to burn the town of Hampton, adopted a measure which Stedman, the contemporary British historian of the war, recognized to have been so far from politic that it stimulated the minds of the Virginians almost to a degree of frenzy. He issued a Proclamation declaring martial law to be in force throughout the colony. He erected the royal standard to which he commanded his

[1] *Ibid.*, p. 741.

Majesty's subjects to repair, and he emancipated all the slaves who should take up arms in defence of the British cause. By these means he obtained some accession of strength; but he did great violence to the public opinion of the people. Nor was the success of his military proceedings a justification for his policy. Offensive measures taken by him ended in failure, and the condition of the Loyalists became most pitiable. The burning of the town of Norfolk in these military proceedings did not strengthen Loyalist sympathies in the hearts of the men of Virginia.[1]

Not less unfortunate, though more deserving of success, was another project which obtained the approval of Dunmore. This plan was to invade Virginia and the southern colonies 'on their back and inland parts where it was known that the people were strongly attached to the British Government'.[2] The scheme came to nothing through the recognition of Connolly, the prime agent, by an American. Once more a meditated blow on behalf of Great Britain proved a veritable *coup manqué*. Once more to the people of Virginia the danger had been shown of following the fortunes of a Government which had on its side neither good luck nor good management.

Hardly more encouraging to British sympathizers was the conduct of Tryon, the Governor of New York. Tryon was an active and well-meaning public servant, who had given the home authorities sensible advice with regard to the taxation of the Americans.[3] But when once war was set on foot he expressed the most bloodthirsty sentiments in favour of employing the Indians against the Americans,[4] and he showed

[1] Stedman, *Hist. of the Am. War*, 1794, vol. i, pp. 146–9.

[2] *Ibid.*, p. 150. See also 'Col. John Connolly', by F. R. Diffenderffer, *Lancaster County (Pa.) Hist. Soc. Papers*, vol. vii, No. 6, p. 121.

[3] *New York Col. Docs.*, vol. viii, p. 408.

[4] *Ibid.*, p. 709.

himself unscrupulous in his methods of warfare. He seems to have encouraged Loyalists to disguise their sentiments, so as to obtain influence over those with whom they came in contact, and he was almost certainly in the thick of plots, such as that to assassinate Washington, which assuredly did not strengthen the cause of Great Britain in the sympathies of moderate men. An expedition led by Tryon against Danbury in Connecticut in 1777, though from a military point of view it met with some success, did more harm than good to the British cause by the bitterness aroused by the destruction of property.

In South Carolina the Loyalists were very strong in the back country, and it is the opinion of General McCrady, the patriotic historian of the province, that 'had Lord W. Campbell (the Governor) at this time gone boldly up among the people of this section and thrown himself upon Fletchall (the Colonel of Militia, who had declared for the king), collected his men around him, and acted with promptness and efficiency, the whole proceedings of the Provincial Congress would have been overthrown'.[1] 'Had Lord William grasped the situation and appealed openly and boldly to the upper country, there is little reason to doubt but that the merchants in Charlestown and the planters on the coast would have risen with them and have overthrown the Council of Safety and their government.'[2]

The treaty or *modus vivendi* drawn up between the Loyalists and the continentals at Ninety Six on 16th September 1775, though it shocked the loyal feelings of the more stalwart Tories, showed at any rate how much the Loyalist strength had impressed its adversaries. The failure of the expedition of 1776, under Admiral Parker and Sir H. Clinton, against Charlestown did not improve the Loyalist position. 'The

[1] *The Hist. of South Carolina in the Rev., 1775–80*, p. 39.

[2] *Ibid.*, p. 40.

expedition which confidently set out to crush and subjugate the southern colonies was utterly defeated, and these colonies were relieved for three years from invasion to remain a source of strength and supply to their friends in the north'; [1] but with what consequences to those who had put their faith in the strength and the ubiquity of the British power can easily be imagined! Nor were the Cherokee Indians, who, with the approval of the British authorities, brought destruction and death upon the American settlements in the back country, likely to inquire too curiously whether the victims of their raids were or were not American insurgents. No doubt 'the Indian uprising was injurious to His Majesty's cause in Carolina. The fact that these savages had been instigated by the agents of the royal government to rise up on the people of the frontier and indiscriminately to massacre the king's friends, as well as his enemies, roused great indignation and resentment, and turned many a supporter of the royal cause to the new government'.[2] Moreover, the complete success of the Americans against the Indians was an object-lesson in the strength of the new Government. According to Mr. Van Tyne, in Georgia, where the Royalists were strong, it was the sending of a British squadron to Savannah which changed the situation. 'The insult ruined the work of Wright (the prudent Governor); the Whigs seized the Governor and such of the Crown officials as had not fled, and at once in February 1776 assembled a provincial Congress.' [3]

While these causes were making for the weakness of the Loyalists, there is, unfortunately, more to be said. The excesses and depredations of the Hessian and British troops disgusted men of all parties.[4] These troops made no distinction

[1] *The Hist. of South Carolina in the Rev., 1775–80*, p. 161.
[2] *Ibid.*, p. 199. [3] *The Loyalists in the Am. Rev.*, pp. 97–8.
[4] *Am. Archives*, 5th Ser., vol. ii, p. 1118.

between the property of rebels and of Loyalists; indeed, inasmuch as the former had often hidden their goods, the latter, in fact, seem to have suffered the most. According to contemporary accounts, the progress of the British and Hessian troops through New Jersey was attended with such scenes of desolation and outrage as would disgrace the most barbarous nation. 'Jersey', an American wrote, 'will be the most Whiggish colony on the continent. The very Quakers declare for taking up arms. You cannot imagine the distress of the country. They have stripped everybody almost without distinction even of all their clothes, and have beat and abused men, women, and children in the most cruel manner ever heard of.' [1]

It is somewhat surprising to find that it was to a great extent in the frontier districts that at first the strength of the Loyalist party lay. The frontier man is almost inevitably a radical, and it was this class which largely decided, some ninety years later, the issue of the American Civil War. But there were special circumstances which, at the time of the War of Independence, made this section less zealous on behalf of the American claims. To begin with, a considerable immigrant population had hardly had time to become good Americans. Especially the numerous body of Scottish Highlanders had little understanding of, or sympathy with, American political ideals. Moreover, these men saw themselves denied civic equality by the jealousy and cunning of the eastern districts; and between the known injustice of the Colonial Assembly and the unknown and, to him, largely hypothetical injustice of the British Parliament might well prefer the less acute and definite of the two evils. The Scottish-Irish Presbyterian immigrants from Pennsylvania found, on their arrival, a state of things prevailing profoundly jarring to their deepest convictions.

[1] *Ibid.*, p. 1487.

'The system of government which he found was based (as it had been in the old country which he had left) upon the Church of England. He could only be represented in the Assembly by having the lands, which he and his people had taken up, made into a township and then into a parish.'[1] The existence of the Regulators in South Carolina, a kind of Law and Order League organized for the purpose of inflicting summary punishment on criminals, through the neglect of the colonial authority to provide local courts, was a dangerous symptom of disunion, though it may be true that the responsibility for refusing its sanction to a remedy lay with the Home Government which disallowed the South Carolina Act of April 1768 for establishing courts.[2] Rightly or wrongly the western districts of the Carolinas were in little sympathy with the eastern, at the time of the beginning of the troubles. 'These newcomers', writes General McCrady, 'were reluctant to enter the contest with the royal government inaugurated upon the coast'. It is perhaps the deepest disgrace to British statesmanship and strategy, amongst the melancholy records of this time of shame, that the words which follow seem equally true. 'But, goaded into it by the folly and cruelty of the British Army, were to turn upon their invaders, and, by their stubborn resistance and heroic conduct, were to wrest from them the fruits of their success in the low country.'[3]

How strong was the position of loyalism in Pennsylvania may be gauged from the fact that we find a list of nearly 500 persons proclaimed traitors during the war. It is only when we realize the potential strength of the Loyalists that we are able to explain the extraordinary bitterness which

[1] McCrady, *Hist. of South Carolina under the Royal Gov. 1719–76*, pp. 314–15.

[2] *Acts of the Privy Council, Col. Ser., 1776–83*, pp. 166–71.

[3] *Op. cit.*, p. 320.

characterized the relations between them and the republicans. Though a bully is not necessarily a coward, still fear begets cruelty; and in this unhappy contest both sides were afraid of each other. Familiar as we have become with the details of many cases of cruel persecution, we are apt, at least on this side of the Atlantic, to regard the Loyalists as so many harmless victims, the easy prey of their powerful persecutors. But in fact, tarring and feathering and the like were a game which both sides, when the opportunity occurred, could carry on. Thus in March 1775 a deponent swore that he had been tarred and feathered by a party of English soldiers, with the knowledge and approval of their colonel.[1] In Dutchess County, New York, the Whigs believed that they were in so much danger from the disaffected that strong measures were necessary.[2] It was fear that led to the acts of retaliation such as the following:

'James Smith, Esq., a judge of the Court of Common Pleas for that county, was very handsomely tarred and feathered for acting in open contempt of the Resolves of the County Committee. . . . The judge undertook to sue for and recover the arms taken from the Tories, by order of the said Committee; and actually committed one of the Committee who assisted at disarming the Tories. Which enraged the people so much that they rose and rescued the prisoner, and poured out their resentment on the villanous retailer of the law.'[3]

Tarring and feathering was a rough-and-ready method of dealing with offenders whose cases were not deemed worthy of more serious treatment. Thus on the 6th December 1775, in New Jersey one T. Randolph, a cooper,

'being judged a person of not consequence enough for severe punishment, was ordered to be stripped naked, well coated with tar and feathers, and carried in a wagon publicly round

[1] *Am. Archives*, 4th Ser., vol. ii, p. 94.

[2] *Ibid.*, vol. iii, p. 467.

[3] *Ibid.*, p. 823.

the town. As he soon became sensible of his offence he was released. . . . The whole was conducted with that regularity and decorum that ought to be observed at all public punishments '.[1]

Some of the counties treated the provincial Congress as non-existent. Washington himself was seriously alarmed at the condition of affairs. He recommended more drastic measures against the Tories. 'Why should persons who are preying upon the vitals of their country be suffered to stalk at large ?'[2] In July 1776 a plot was discovered at Albany to set the town on fire at different places, and to blow up the magazine. In the absence of soldiers the citizens took turn guarding the jail and the magazine.[3] In this state of things men nervously complained that the Declaration of Independence must be followed by a declaration of High Treason.[4] The state could not exist without the extermination of traitors. 'It is amazingly wonderful', wrote an American on the 17th July, 'that having no capital punishment for our intestine enemies we have not been utterly ruined before now.'[5] In a later letter the same correspondent insisted that the people were clamouring that some of the big Tories must be hung. 'Unless strong measures were taken it would be impossible to resist this cry.'[6]

The behaviour of some of the militias caused Washington to apprehend the presence of treason in their ranks.[7] From Orangetown, New York, we hear of the Tories making great havoc, and insulting and abusing the Whigs in a manner not to be borne.[8] The Tories, not content with joining the enemy, insulted and disarmed the Whigs, stripping them of their cattle, effects, &c.[9] It was the presence of this active, dominant fear that led to the enunciation of doctrines such

[1] *Am. Archives*, 4th Ser., vol. iv, p. 203. [2] *Ibid.*, p. 1389.
[3] *Ibid.*, p. 1563. [4] *Ibid.*, 5th Ser., vol. i, p. 357. [5] *Ibid.*, p. 403.
[6] *Ibid.*, p. 700. [7] *Ibid.*, vol. iii, p. 1232. [8] *Ibid.*, p. 1123.
[9] *Ibid.*, p. 1169.

as that 'every Tory is a coward; a man under such influence, though he might be cruel, could never be brave'.[1] It is only fair, when we read the treatment accorded to a Francis Green, robbed and hustled merely because he had signed a Loyalist address,[2] or a James Murray, bullied and persecuted for remaining faithful to the Crown,[3] or an Israel Williams nearly burnt alive by a brutal mob,[4] to remember that there was another side to the shield, and that Tories, when they got the upper hand, were not above using the methods of their Whig antagonists.

But it may be said, granting that fear accounts for much of the extreme bitterness which characterized, during the war, the mutual relations of Whig and Tory, how came it that, when the struggle was over and the republicans had gained once and for all the day, the bitterness still continued, and grew, if anything, in intensity and volume? The answer to this question lies, perhaps, in the fact that a new fear had taken the place of the old. The American Revolution was not, in its origin or intention, a social revolution, its aims and ideals having been purely political; nevertheless, a revolution must, of necessity, have social consequences; and the effect of the American Revolution had been to give economic, as well as political, power to the *nouvelles couches sociales* which the revolution had evoked. To take a single instance: consider the social effect of the distribution of James de Lancey's landed property among some 275 small proprietors in New York. The Tory view was that, at the time of the Stamp Act agitation, the better classes had allowed the mob to get the upper hand,

[1] *Ibid.*, p. 1292.

[2] *Nova Scotia Hist. Coll.*, vol. xiii, 'The Life and Times of the Rev. J. Wiswell', by E. M. Saunders, p. 12.

[3] *The Letters of James Murray, Loyalist*, ed. by N. M. Tiffany, Boston, 1901.

[4] Rivington's *New York Gazetteer*, 9 March 1775.

and ever afterwards found it impossible to regain the control. Whatever there may have been of prejudice in this view, it seems impossible to deny that the revolution involved a forward movement all along the line, in the direction of democracy, which the restoration of the Tories to their properties and civic rights would have done much to arrest. Even as things were, we know how strong were the conservatives, represented by men like Washington, Hamilton, and John Adams, and how it took some twenty years for Jeffersonian radicalism to win its way. To those who believe that the conservative forces of society are an indispensable element to the well-being of a political community, the action of the Americans, in deliberately weakening such forces, will seem a blunder bound to be big with future mischief. But apart from grounds of expediency, on the side of justice (leaving aside the undertakings of the treaty), there was not a little to be said for the course adopted by the Americans. The Loyalists had deliberately denied the right of the Americans to found a new nation; largely through their exertions the work of founding such a nation had been costly in blood and treasure; was it unnatural to look upon them with distrust as future citizens, and to maintain that their property had been justly forfeited by their past conduct?

It is impossible here to deal in detail with the action of the various States with regard to the property of Loyalists. As an example we may take the leading state of Massachusetts. Here two Bills had been passed in April 1779, the one directed against the estates of Mandamus Councillors, Commissioners of Customs, and certain other royal officers, the other against the estates of refugees in general. By the former the estates of the persons therein named were confiscated without hearing. In the general Confiscation Act there were detailed provisions regarding the mode of trial where such estates were in question.

Under Article V of the Treaty of Paris, 1783, it will be remembered that Congress earnestly recommended to the several States, that the estates, rights, and properties of Loyalists should be restored to them, they refunding to any persons, who might be in possession, the bona fide price which such person might have paid on purchasing such lands or properties, since their confiscation. In what manner, then, did the leading state of Massachusetts deal with this recommendation? (It is of course clear that the American Peace Commissioners had no legal power actually to bind the respective States in this matter.)

'The first step taken by the Legislature,' writes an American historian, 'after it was furnished with the knowledge of these recommendations was to put forth efforts to close up the estates of absentees. . . . The first Act passed, in which the obligations of the Treaty were distinctly recognized, was the act for repealing the laws of this State and for asserting the right of this free and sovereign commonwealth to expel such aliens as may be dangerous to the peace and good order of government.'

Absentees were pronounced to be aliens. Acts against absentees were formally repealed, but absentees, mentioned in the Confiscation Act, or who had borne arms against the country in the late war, who should return with the intent to reside, were to be reported upon by justices of the peace to the government, and, if they did not immediately depart from the State, when so directed, were to be committed to gaol.[1]

Such, then, was the object-lesson in the 'spirit of conciliation' given by the most experienced and capable of the American State Legislatures; let us glance for a moment at the public opinion of which such legislation was the inevitable outcome. In May 1783 one S. Jarvis, a lieutenant in the

[1] A full account is given of this subject in chapter iii of *The Confiscation of John Chandler's Estate*, by A. McFarland Davis, Boston, 1903.

South Carolina Royalists, ventured to pay his father a visit at Danbury, Connecticut, the scene of Tryon's exploits. Forthwith he was visited by the populace and informed that he must immediately retire; at present they did not intend to hurt him; but, if he was seen within 30 miles of Danbury after sunset, he must stand the consequence, for they would not answer for his safety. In vain he presented his permit, from the authority and select men of Danbury, to visit his father. They damned the authority that would allow such a person as he was to come into the country. 'Several other people', Jarvis wrote, 'have been punished very severely, carried on a rail, and then mounted on horseback without a saddle with their faces to the horse's tail, their coat turned and a wooden sword by their side; then drove back and forth, to the great satisfaction of the spectators.'[1] One T. Hassard wrote in July 1783, that on his way to 'git' his property so that he might go to 'Noviscosia' he put into 'Rhodyisland' and went on shore to see his family.

'Was seased upon and was put to prison and kep 5 days in prison, and my vessel seased upon and broken open and plundered and my chest broke open and plundered and abused. Threatened to take my life and made me pay them the most exstravagant charges for it, and then sent me here (New York) by a warent from the governor; never to return upon the pane of death. And I thort it was proper to inform your Excelencey of it; and if the frends of government is to be treated in this manner and no notis taken of it, I should be glad to know how to conduct myself for the futer.'[2]

Numerous instances of such petty persecution might be culled from the pages of the 4th volume of the American MSS. in the Royal Institution calendared by the Historical MSS. Com-

[1] *Hist. MSS. Comm., Am. MSS. in Royal Inst.*, vol. iv, p. 155. See also 'Stephen Jarvis', *Can. Mag.*, vol. xxvi, p. 366.

[2] *Ibid.*, p. 242.

mission, but enough has been said to show the nature of this persecution and the reason of it, the fear of the new proprietors that the peaceful return of the Loyalists would deprive them of what they had won.

Such being the temper of the Americans, one can understand something of the panic and despair of the Loyalists when they, at last, realized that peace was to be made with their enemies. A striking picture of their feelings is given in a letter of Benjamin Thompson to Lord Sackville of the 6th August 1782:

'You cannot conceive nor can any language describe the distress that all ranks of people here (New York) have been thrown into by the intelligence of the independence of America being acknowledged by Great Britain, and the loyalists being given up to the mercy of their enemies. The militia, who for some weeks have done the whole of the garrison duty in this city have refused to serve any longer and the general has been obliged to relieve them by bringing regular troops into town. The loyalists at Lloyd Nek and the other posts are in a state of anarchy and confusion little short of actual rebellion. Papers have been stuck up about town, inviting Sir G. Carleton to take the command of the army here and to oppose by force the measures of the new administration and promising thousands to assist him. In short a universal despair and phrenzy prevails within these lines, and I should not be very surprised if very alarming consequences were to follow from the temper people are in. They seem to be as void of prudence as they are destitute of hope, and a kind of language is now spoken publicly in the streets that is enough to make us tremble for what is to follow from these convulsions. The provincial corps will disband of themselves or, what is infinitely more to be dreaded, they will take arms in opposition to these measures. They feel themselves deeply injured.'[1]

The settlement with the Americans was no doubt, in the circumstances, inevitable and just; but it is impossible to deny that it was attended by consequences which were shameful to

[1] *Hist. MSS. Comm., Stopford-Sackville MSS.*, vol. ii, pp. 252–3.

Great Britain, for whose sake the Loyalists had risked so much. Still, upon the whole, the British authorities sought to behave with justice to these unfortunate men, and the foundation of new prosperous British colonies to the north was a just rebuke to the intolerance and short-sighted tyranny of the successful Americans.

I have dealt with the strength of the Loyalists and the fear that they aroused in the minds of their opponents. I have also given reasons that seem to account for the extreme bitterness of the opposed parties. It remains to say a few words upon the actual fighting strength of these Loyalists during the war. We have seen some of the reasons which at first prevented them from being very active. Still, as time went on they proved themselves very useful in two ways. In the first they acted as associated bands of auxiliary forces. In the next they enlisted by thousands in the regular army. New York alone furnished about 15,000 to the British Army and over 8,000 Loyalist militia. All of the other colonies furnished about as many more, so that we may safely say that 50,000 soldiers, either regular or militia, were drawn into the service of Great Britain from her American sympathizers. Tories formed no inconsiderable part of Burgoyne's army. Even when they did not actually join, their known presence in large numbers among the inhabitants of the region prevented the Americans from leaving their homes to join the American army. The British forces were also greatly helped in the matter of supplies by the Tory inhabitants. After the surrender of Burgoyne's army it is said that many of the soldiers were enabled to escape by sympathizing friends among the people.

Yet although the Loyalists served Burgoyne nobly, on the battle-field and in the matter of supplies, not one word was introduced on their behalf in the articles of Capitulation signed

at Saratoga. Burgoyne even blamed them for his defeat, and after the surrender several thousands of them were forced either to flee to Canada or to trust to the mercy of their victorious enemies.

Notwithstanding this, 'the enlistment of Loyalist troops in New York', Professor Flick writes, 'continued throughout the war. After the surrender of Burgoyne the Loyalists, who fought on New York soil, were engaged under Sir John Johnson in frontier warfare. Others, like Simcoe's Queen's Rangers, raised in 1776, saw action in the States to the South'.[1] These men, joined with irregulars raised in the southern provinces, resisted for a time not unsuccessfully the American irregular forces. 'When New York city was threatened, in 5 days 6,000 Loyalists volunteered as militia. They formed 62 companies. . . . There were 2,000 loyal militia men on Long Island and 400 on Staten Island. . . . Loyalist privateers were also fitted out and infested the shores of Southern New York and New Jersey.'[2] In many other ways the Loyalists made themselves useful. They acted as armed police and most of the spies in the British service were furnished by them. In 1779 they suggested that an independent organization be formed to aid the British, to protect themselves and to requite the Whigs for the outrages, confiscations, and murders of which they were guilty. The king and ministry approved of the plan and ordered Sir H. Clinton to permit its execution. Consequently, on the 27th December 1780 the 'Board of directors of the Associated Loyalists' was organized in New York city. William Franklin was President and ten directors assisted him, each receiving a salary of £200 a year with rations. This body continued till Sir Guy Carleton broke it up in 1782. Its object was to unite the Loyalists of all the States into three 'societies' of 'associators', for the purpose of self-preservation

[1] *Loyalism in New York*, p. 112. [2] *Ibid.*

and revenge. 'These "societies" were led by officers who were commissioned by the British commander-in-chief, but who were wholly dependent upon the Board. They were given arms and vessels by the British, could keep all their captures, and were allowed to exchange prisoners for "associated loyalists". They did much damage and kept southern New York in a state of constant turmoil. At the close of the war most of them went to Nova Scotia.' [1]

'In New York', Professor Flick concludes, 'Great Britain certainly had no reason to complain of the lack of helpful activity from the loyalists. Their blood and treasure were freely sacrificed on the altar of imperial patriotism.' [2]

It would be dangerous, however, to take New York as an example of what was done throughout the colonies. One special drawback to loyalist enthusiasm did not arise in New York. When once that place was occupied it remained in British possession till the final abandonment of British claims. Consequently loyalists had never the terrible object-lesson which was afforded when the British retired and left them in the lurch. In Massachusetts, indeed, the evil had been, to a great extent, met by the British taking with them on their withdrawal nearly 1,000 of the loyalist population; but it is obvious that such a measure could not be generally adopted; and, when the loyalists of New Jersey, Pennsylvania, and the southern provinces found themselves abandoned by their friends to the tender mercies of their public and private enemies, they doubtless learnt a lesson the effect of which it was difficult to wipe out. In these provinces, at any rate, the character of the reprisals caused moderate men to shrink from the ordeal; so that the forces of the Crown were recruited only from the most daring and the most desperate. This of course cut two ways; because, if it tended to reduce the number of the

[1] *Loyalism in New York*, pp. 114–15. [2] *Ibid.*, p. 115.

recruits, it secured the British lines from the presence of the half-hearted and the shirkers. When you add to this consideration the influence exercised (as has already been mentioned) by the brutal conduct in too many cases of the Hessian and even British soldiery, we have the key to the explanation why the loyalists did not accomplish even greater things than they did.

The time is past when it was the fashion to look down upon these men as so many miscreants and traitors. In truth, the problem put before an American in this time of crisis was very difficult and involved. It was the ever-recurring problem of divided allegiance. And, just as a good Virginian might well be puzzled at the time of the American Civil War over the question whether his ultimate allegiance was due to his own State, with which his daily business was mainly concerned, or to the federation of States, which made up the Union, so there was nothing disgraceful in an American of the time of the Revolution maintaining that his ultimate allegiance was owing to the Empire, and the Crown, of which he was a loyal subject, and that treason was not the less treason because it was aided and abetted by the majority of the community wherein he was domiciled. In this supreme struggle there was room for honest and patriotic men on both sides ; and, if the loyalists were, upon the whole, a less important factor in the decision of events than their numbers and eagerness might have promised, the reason was not that their cause was necessarily bad ; and such as was bound to lead to confusion and ruin ; but that the same malign powers of incompetence and procrastination, which paralysed the force of the British offensive, also included within its withering influence the colonial levies, which might have been of incalculable help to the British forces. It is not meant that the loyalist case, any more than the British, in its extreme form, could have been permanently

made good; but there was no reason in the nature of things why, in both cases, the change should not have been made peacefully and by a process of evolution; instead of being the shameful and disastrous issue of a bloody civil war.

[For this chapter free use has been made of the Introduction which the present writer wrote to a volume on *The Royal Commission on Loyalist Claims, 1783–5*, which he edited for the Roxburghe Club in 1915, the volumes of which are privately printed only.]

8

How far was the Revolution Inevitable?

To those who accept the arguments put forward in the preceding chapters it may seem superfluous to ask once more the question—How far was the Revolution inevitable? But, considering the extreme importance of the subject, it may be well to emphasize yet again the familiar arguments.

Granting, then, that it was impossible that things should remain as they were, would it have been possible to hammer out some form of federation which would have given play to colonial autonomy whilst preserving the integrity of the imperial connexion?

In seeking an answer, however, to this question it must be remembered how crude and elementary was the thought of the time upon the nature of political constitutions. The great fabric of the American federal constitution was the result of infinite toil and trouble on the part of experienced statesmen who had come to realize that, unless something of the sort could be achieved, anarchy stared them in the face. What prospect would there have been that British and American public men would have attempted the solution of their difficulties in a similar spirit?

But in any case the task must have been a wellnigh hopeless one, because it involved the political fusion of communities which, as was seen in the first chapter, stood at the opposite poles of political thought. So far as the grievance of taxation without representation was concerned, it could no doubt have been met by the presence in the Imperial Parliament of American representatives. But in what kind of temper would American members, at least those from New England, have approached the venerable Mother of Parliaments?

To understand the temper of New England, let us take the case of John Adams, a typical representative of the strong and weak points of the national character, a man by no means radical in his political opinions. To him the controversy over the Stamp Act seemed something very different from a mere squabble over a detail of government. He saw in it an episode in the long struggle which is ever being waged between the forces of individual liberty on the one hand and corporate authority, secular and spiritual, on the other. He regarded the settlement of America with reverence and wonder as the opening of a grand scene and design in Providence for the illumination of the ignorant and the emancipation of the slavish part of mankind over all the earth. The settlement of New England, he believed, was a deliberate protest against tyranny, ecclesiastical and civil.

In this connexion it is unnecessary to remind ourselves that John Adams's descendant, Mr. Charles Francis Adams, and his namesake, Mr. J. T. Adams, in his brilliant book, *The Founding of New England*, have conclusively shown that the New England elders were as impatient of opposition as had been the bishops at home; and that few tyrannies have been more oppressive than the intellectual tyranny which for a century made the country forbidden ground to literature and art. Still, all with which we are here concerned is the view of John Adams, and,

when such was his conscientious opinion, was it not to be expected that he should deprecate any closer connexion with England as likely to lead to moral contamination? He looked with suspicion on any scheme of sending colonial representatives to Parliament, not merely as impracticable, but because he held that the representatives would in all probability be corrupted thereby. Just before the outbreak of war, John Adams carried on a controversy under the signature of 'Novanglus' with the loyalist, Daniel Leonard, who wrote under the signature of 'Massachusettensis'.

'When luxury, effeminacy and venality,' Adams wrote, 'have arrived at such a shocking pitch in England; when both electors and elected are become one mass of corruption; when the nation is oppressed to death with debts and taxes owing to their own extravagance and want of wisdom; what would be your condition under such an absolute subjection to Parliament? You would not only be slaves, but the most abject of slaves to the worst of masters.'

Again,

'*Obsta principiis*, nip the shoots of arbitrary power in the bud, is the only maxim which can ever preserve the liberties of any people. When the people give way their deceivers, betrayers and destroyers press upon them so fast that there is no resisting afterwards. The nature of the encroachment upon the American Constitution is such as to grow every day more and more. Like a cancer it eats faster and faster every hour. The revenue created pensioners, and the pensioners urge for more revenue. The people grow less steady, spirited and virtuous, the seekers more numerous and more corrupt, every day increases the circle of their dependents and expectants until virtue, integrity, public spirit, simplicity and frugality become the objects of ridicule and scorn; and vanity, luxury, foppery, selfishness, meanness and downright venality swallow up the whole society.'

One sees here a difference on fundamentals, a chasm which it is the hardest to bridge. The old theory of the original

settlers of Massachusetts, who went forth into a new country, shaking the dust of Old England off their feet, lives again with startling boldness of outline in the papers of Novanglus.

'It is true that the people of this country and of this province in particular have a rooted apprehension of and aversion to lordships, temporal and spiritual. Their ancestors fled to this wilderness to avoid them; they suffered sufficiently under them in England, and there are few of the present generation who have not been warned of the danger of them by their fathers or grandfathers and enjoined to oppose them. . . . When you were told that the people of Old England were depraved, the Parliament venal and the Ministry corrupt, were you not told the most melancholy truths? . . . Does not every man who comes from England tell you the same thing? Do they make any secret of it or use any delicacy about it? Do they not most of them avow that corruption is so established there as to be incurable and a necessary instrument of government? Is not the British Constitution arrived nearly to that point where the Roman republic was when Jugurtha left it, and pronounced it a venal city, ripe for destruction if it can only find a purchaser?'

We are not now concerned with the constructive proposals by which John Adams sought to reconcile a nominal dependence on the British Crown with the assertion of practical independence. Much less need we defend the Pharisaic self-righteousness, which sees every fault on the side of its adversary, and every virtue on its own. All that is necessary to bring out is the complete incompatibility of temper shown by such beliefs and utterances on the part of a typical New Englander like John Adams.

Let us now turn to the case of an American of less grim and austere views than were those of John Adams. Benjamin Franklin is singular in that he spent the momentous years, in which the Revolution was maturing and gathering head in England, away from the scene of action. In his case it is

interesting to follow the course of a public man, devoted to the interests of his native country; and yet with a real affection for England and Englishmen. Of the seriousness of that attachment there can be no question.

'Of all the enviable things England has,' he wrote in 1763, 'I envy it most its people. Why should that petty island which, compared to America, is but a stepping stone in a brook . . . enjoy in almost every neighbourhood more sensible, virtuous and elegant minds than we can collect in ranging a hundred leagues of our vast forests.' [1]

As late as 1769 he wrote:

'I hope nothing that has happened, or may happen, will diminish in the least our loyalty to our Sovereign, or affection for this nation in general. I can scarcely conceive a King of better dispositions, of more exemplary virtues, or more truly desirous of promoting the welfare of all his subjects . . . The body of the people, too, is of a noble and generous nature, loving and honouring the spirit of liberty and hating arbitrary power of all sorts.' [2]

In the next year we find Franklin still hugging the fallacious theory that their steady loyalty was the best means of securing the Americans from the arbitrary power of a corrupt Parliament, 'that does not like us and conceives itself to have an interest in keeping us down and fleecing us.' [3] But note that even Franklin, who was a citizen of the world, and who was more emancipated from New England prejudices than was John Adams, was no less shocked by the way in which at this time a general election was conducted in England.

'The Parliament is up,' he wrote in 1768, 'and the nation in a ferment with the new elections. . . . £4,000 is now the market price for a borough. In short this whole venal nation is now at market, will be sold for about two millions, and might

[1] *Works*, ed. by A. H. Smyth, vol. iv, p. 194.

[2] *Ibid.*, vol. v, p. 204.

[3] *Ibid.*, p. 261.

be bought out of the hands of the present bidders (if he would offer half a million more) by the very devil himself.' [1]

We have spoken of incompatibility of temper; but the mischief went even deeper than this. The countries on either side of the Atlantic were at different stages of political development; hence the hopelessness of any such schemes of political union as those proposed by the moderate and reasonable American loyalist, Joseph Galloway. His plan provided for a union of Great Britain and the colonies by means of a British and American Legislature consisting of a President-General, appointed by the Crown, and a Legislative Council consisting of representatives chosen by the colonial Assemblies. This Legislature would form an inferior branch of the British Parliament, being incorporated with it, and would regulate the administration of the general affairs of America.[2] Of great significance is the comment made on them by B. Franklin: 'When I consider the extreme corruption prevalent among all orders of men in this old rotten state, and the glorious public virtue so predominant in our rising country, I cannot but apprehend more mischief than benefit from a closer union.' [3] And yet if union was impossible and American subordination was becoming intolerable, what issue was there to the impasse? In 1754 Franklin had been in favour of the American colonies sending representatives to the British Parliament.

'The time has been', he wrote in January 1766, 'when the colonies would have esteemed it a great advantage, as well as honour, to be permitted to send members to Parliament and would have asked for that privilege if they could have had the least hopes of obtaining it. The time is now come when they are indifferent about it, and the time will come when they will certainly refuse it. But if such an union was now

[1] *Ibid.*, p. 117.

[2] *Joseph Galloway*, by E. H. Baldwin, 1902, pp. 70–4.

[3] *Ibid.*, p. 76.

established (which methinks it highly imports this country to establish) it will probably subsist so long as Britain shall continue a nation. This people, however, is too proud and too much despises the Americans to bear the thought of admitting them to such an equitable participation in the government of the whole.'[1] 'Every man in England', he wrote some years later, 'seems to consider himself as a piece of a sovereign over America, seems to jostle himself at the throne with the King and talks of *our subjects in the colonies*.'[2]

We have spoken of colonial self-righteousness. It is fair to remember that English insolence was also very much to the fore. Comradeship in arms, instead of bringing in its train better understanding and increased respect as happened in the South African War, too often merely embittered relations between the colonist who felt himself slighted and the Englishman who grew more bitter in his contempt for colonial differences of discipline and behaviour.

But quite apart from all this, there is the further question—Was political union possible under such different political conditions? Probably it was not; though it is impossible to speak with confidence when no serious attempt at such union was ever made. The very cautious and wide-awake New Englanders assuredly would never have entered into a bargain unless they were sure of their ground. But the main motives of those who advocated the measure in England was to secure the smooth working of a system of colonial taxation to which the Americans were fiercely opposed. Merely to be represented in an assembly in which their members would be always outvoted by a solid ministerial phalanx would have been a consummation as far from the working of American ideals as can well be imagined. It is well to linger over this point, because good judges have expressed the opinion that by these means a *modus vivendi* could have been obtained. Thus

[1] Franklin, *op. cit.*, vol. iv, p. 400. [2] *Ibid.*, vol. v, p. 16.

Dr. Baldwin in his life of Joseph Galloway writes, 'Could such a union have been effected at that period and been maintained until the invention of steam navigation and the telegraph, the two great English-speaking nations would have been united politically to-day.' The shrewd and capable William Knox was in favour of such a solution of the problem, and George Grenville gave it his support. A greater authority than Galloway, Knox, or Grenville, was also strongly in favour of such a union. Professor Shield Nicholson in a *Project of Empire* has well brought out the imperial aspect of Adam Smith's opinions. As a financier and economist, the British Empire, as he saw it, filled him with distrust and dismay.

'Countries', he wrote, 'which contribute neither revenue nor military force towards the support of the Empire cannot be considered as provinces. They may perhaps be considered as appendages, a sort of splendid and showy equipage of the Empire. . . . The rulers of Great Britain have for more than a century past assured the people that they possessed a great empire on the West side of the Atlantic. This Empire has hitherto existed in imagination only. It has hitherto been not an empire, but the project of an empire. . . . If the project cannot be completed, it ought to be given up. If any of the provinces of the British Empire cannot be made to contribute towards the support of the whole empire, it is surely time that Great Britain should free herself from the expense of defending those provinces in time of war, and of supporting any part of their civil or military establishments in time of peace; and endeavour to accommodate her future views and designs to the real mediocrity of her circumstances.'

Adam Smith admitted that there was very much to be said for a policy of peaceful separation such as that advocated by the acute and clear-headed Dean Tucker. At the same time he recognized that 'to propose that Great Britain should voluntarily give up all authority over her colonies and leave them to elect their own magistrates, to enact their own laws,

and to make peace and war, as they might think proper, would be to propose such a measure as never was and never will be adopted by any nation in the world. . . . The most visionary enthusiasts would scarce be capable of proposing such a measure with any serious hopes at least of its ever being adopted.' [1] Instead, then, of peaceful separation, Adam Smith proposed a plan of imperial federation.

'The Parliament of Great Britain', he wrote, 'insists upon taxing the colonies; and they refuse to be taxed by a Parliament in which they are not represented. If to each colony . . . Great Britain should allow such a number of representatives as suited the proportion of what it contributed to the public revenue of the Empire, in consequence of its being subjected to the same taxes; . . . the number of its representatives to be augmented as the proportion of its contribution might afterwards augment, a new method of acquiring importance, a new and more dazzling object of ambition would be presented to the leading men of each colony.' [2]

It seems impossible not to agree with the comment of Dr. Playfair, one of Adam Smith's editors. 'By this it appears that Dr. Smith neither knew the spirit which animated the leading men in America, nor the general spirit of the country, which would have reduced such ambitious men to nothing, the moment they had appeared to be actuated by private views that detached them from the public cause.' [3] Any kind of federation requires for its successful working cordial goodwill on the part of those working it; what chance was there of men of the temper of John Adams, or even of Benjamin Franklin, entering the British political arena with such feelings of mutual goodwill? Moreover, granted that the representatives had become conciliated, consider the suspicion and jealousy in America which would have been aroused by any such development.

[1] *Op. cit.*, vol. ii, p. 488.
[2] *Ibid.*, p. 497.
[3] *Ibid.*, note, pp. 497–8.

In another matter Adam Smith was some years behind the times. He deplored the insignificance of the stage of colonial politics.[1] The day had indeed been when American politics were petty and insignificant, confined to the small squabbles of individual provinces; but, as the horizon widened, and as by continental congresses the Americans were beginning to think continentally, their own affairs had greatly grown in importance and were amply sufficient to absorb the best energies of their best men.

It would seem that Adam Smith himself doubted the possibility of his own remedy.

'Without pretending', he writes, 'to determine whether such a union be practicable or impracticable, it may not perhaps be improper in a speculative work of this kind to consider how far the British system of taxation might be applicable to all the different provinces of the Empire; what revenue might be expected from it if so applied; and in what manner a general union of this kind might be likely to affect the happiness and prosperity of the different provinces comprehended within it. Such a speculation can at worst be regarded as a new Utopia, less amusing certainly, but no more useless and chimerical than the old.'[2]

When it is considered that the extension of the land tax to America was part of Adam Smith's scheme for a more equitable distribution of taxation,[3] we may see how unlikely it was that the proposals would ever have been accepted by the Americans. It seems impossible, therefore, to accept the conclusion of Professor Nicholson that Adam Smith's suggestion was a serious proposal, acceptance of which might have prevented the loss of the American colonies.

It is, then, more than doubtful whether the Empire could have been held together by any mechanical contrivance of an Imperial Parliament. Such a Parliament, we have seen, required

[1] *Ibid.*, p. 498. [2] *Ibid.*, vol. iii, p. 460. [3] *Ibid.*, p. 461.

goodwill on both sides; and the political and social conditions on both sides of the Atlantic were such that such goodwill was almost certain to have been absent. Burke, as we have seen, did not project his glowing imagination into the future, so as to foresee the coming abridgement of time and space. For him it was enough that at the time thousands of miles of sea seemed to make any kind of federation a practical impossibility. 'The ocean,' he exclaimed, 'the ocean remains. You cannot pump this dry; and so long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.' Burke maintained that the object to be aimed at was peace.

'Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the Empire; not peace to depend on the judicial determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. . . . I propose by removing the ground of the difference, and by restoring *the former unsuspecting confidence of the colonies in the Mother Country* to give permanent satisfaction to your people.'

The words 'the former unsuspecting confidence of the colonies in the Mother Country' are italicized in my edition of the Speeches; and they certainly give the keynote to his attitude. But did such 'unsuspecting confidence' in fact ever exist? and is not the whole past history a complete denial of it? But if so, when a physician has formed so false a diagnosis of a disease, is it likely that his remedy will be effective?

No one can question the noble temper with which Burke spoke.

'I, for one, protest against compounding our demands: I declare against compounding for a poor limited sum, the

immense ever-growing, eternal debt, which is due to generous government from protected freedom.' 'If America gives you taxable articles on which you lay your duties here, and gives you at the same time a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. . . . She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. Then she may serve you, and serve you essentially.'

In 1775 Burke was still of the same mind in which he had been in the preceding year. He had then explained that the Parliament of Great Britain sat at the head of her extensive empire in two capacities; one as the local legislature of Great Britain; the other in her imperial capacity. 'In which as from the throne of heaven she superintends all the several inferior legislatures and guides and controls them all without annihilating any.' Burke freely admitted that the powers of the British Parliament were boundless and, therefore, the power to tax was latent; but this power he considered 'as an instrument of empire and not as a means of supply'.

Had such temperate and reasonable views prevailed at an earlier date, it may be that they might have averted, or at any rate greatly postponed, the final catastrophe. But there is much evidence to lead to the conclusion that in thus continually dwelling upon the past and minimizing the difficulties which had been ready to crop up, the Rockingham Whigs were living in a fool's paradise and were neglecting to look the existing situation in the face. For in fact in America things had been moving at a rapid rate. Although in 1774 the Continental Congress still spoke of George III in terms of loyalty, and although the advocates of separation were still few and far between, the general public opinion of the colonies had been

stiffening in a direction opposed to any recognition of the supremacy of the British Parliament. According to Thomas Paine only a few months before the breaking out of hostilities, the disposition of the people was such that they might have been led by a thread and governed by a reed. 'Their suspicion was quick and penetrating, but their attachment to Britain was obstinate; and it was at that time a kind of treason to speak against it; they disliked the ministry, but they esteemed the nation.' All the same the effect of Paine's pamphlet, *Common Sense*, would not have been so great and immediate, had not public opinion been slowly moving in this direction. That pamphlet was not published till January 1776; but in it all the reserves and explanations which had safeguarded the American position were ruthlessly torn away. 'By referring the matter from arguments to arms', he wrote, 'a new era for politics is struck. . . . All plans, proposals, &c., prior to the 19th of April . . . are like the almanacs of last year.'[1] 'As Europe is our market for trade, we ought to form no partial connexion with any part of it. It is the true interest of America to steer clear of European contentions, which she never can do while, by her dependence on Britain, she is made the make-weight in the scale of British politics.'[2] There was something absurd, he maintained, in supposing a continent to be governed by an island. In no instance had nature made the satellite larger than its primary planet. Inasmuch as England and America, with respect to each other, reversed the common order of nature, it was evident that they belonged to different systems; England to Europe, America to—itself![3]

Any one who is at all familiar with the tone of previous champions of the American cause will recognize how unfamiliar was the note now struck. The pamphlet, though crude and sometimes revolting in its pretence of philosophic superiority

[1] *Works*, ed. by Moncure Conway, vol. i, p. 85.
[2] *Ibid.*, pp. 88–9.
[3] *Ibid.*, p. 92.

is a vigorous production enough; but it is mainly interesting for its immediate and unparalleled success. Within three months from the date of its first issue, at least one hundred and twenty thousand copies of it were sold in America alone. By that time it seemed to be in every one's hand, and the theme of every one's talk. Washington, who, the year before, had scouted the idea that he would join in a movement towards independence, wrote on the 1st April 1776:

'My countrymen, I know, from their form of government and steady attachment heretofore to royalty, will come reluctantly into the idea of independence, but time and persecution bring many wonderful things to pass; and by private letters, which I have lately received from Virginia, I find *Common Sense* is working a powerful change in the minds of men.'[1]

But for Paine's fierce and brutal invective to find a congenial home, the soil must have been very different from that which it seemed either to Burke or to Chatham.

Nor was Chatham's position in closer harmony with the new spirit developing in America. In the beginning of 1775 he introduced into the House of Lords a Bill, termed 'A provisional Act for settling the troubles in America and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies'. The basis of his proposals was that the Americans should recognize the supremacy of the Imperial Parliament in return for certain most practical concessions, including the recognition of a Continental Congress. But, after the assertion of such supremacy, it was expressly declared that no military force could be lawfully employed to violate and destroy the just rights of the people, and that no tax or other charge for the king's revenue might be levied in America without the consent of the provincial assemblies. The bill further provided for the repeal of the various measures by which the Americans felt themselves aggrieved; and it

[1] *Op. cit.*, p. 59.

guaranteed that the judges should hold their offices, as in England, during good behaviour. These concessions, however, were to depend upon the definite recognition by the colonies of the supreme legislative authority and superintending power of the Imperial Parliament. This supremacy was to be formally recognized by the Congress which would meet in May. Till such recognition, the objectionable measures would be suspended, not repealed. The Congress was also expected to vote a free grant towards imperial expenses; but this was not a condition precedent to the taking effect of the measure. The bill was discussed between Chatham and Franklin; but there is no evidence that the latter expressed approval of all its provisions. Assuredly if he had, he would promptly have been repudiated by the Americans. As things were, the measure received short shrift, not being allowed even a first reading, on the mistaken hypothesis that it was the outcome of Franklin's ingenuity. It showed the disunited and fluctuating character of the ministry that the course recommended by Lord Dartmouth of giving the bill respectful consideration was subsequently rudely repudiated by Lord Sandwich.[1]

Considering the past of its proposer, such a course was indecent and stupid enough; but it seems pretty clear that, as a message of peace, Chatham's bill was altogether out of date. According to a British officer just returned from New York, the bill 'was abused in every company'.[2] As this was alleged of New York, perhaps the most moderate in its views of all the provinces, we can imagine how little the bill would have satisfied the aspirations of the more robust patriots of New England.

The most practical proposal of Franklin himself was that there should be a meeting of delegates from the different provinces, presided over by some person or persons of dignity

[1] *Memoirs of B. Franklin*, ed. by W. T. Franklin, vol. i, p. 501.

[2] *Hist. MSS. Comm., Stopford-Sackville MSS.*, vol. ii, p. 1.

and wisdom from Great Britain, to confer with such delegates, acquaint themselves fully with the grievances of the colonists and settle the means of composing all dissensions.[1] Enough has already been said of the half-hearted measures of conciliation taken by Lord North in 1775. Nor was the attempt made in 1778 much more promising of satisfactory results.

The answer then to the question with which we set out seems to be that the American Revolution was in fact inevitable, unless a wholly different spirit could have been introduced into the relations between Great Britain and her colonies from what was at the time dominant. There was in some way a curious parallelism between the American colonies of 1775 and the self-governing Dominions of to-day. Although the former had not yet succeeded, amidst the difficulties of mutual knowledge and intercourse, in evolving a sense of national, as opposed to provincial, patriotism, they had nevertheless outgrown the colonial status, and were feeling their way half-unconsciously to some more dignified position. What would happen to-day, were the British Parliament to insist upon its theoretical powers and to exact against the Dominions the letter of the law? We know very well that the, as yet, extremely shaky fabric of imperial union would not stand it; and that the British Commonwealth would fall into fragments. We hope, and in our more optimist moments we believe, that by the exercise of infinite patience and tact, the apparently nebulous structure of imperial union may find its strength in foundations spiritual more than material; but we know that the indispensable and necessary condition precedent to its permanence is absolute recognition of the complete equality of the different component parts of the union; and that without such recognition the imperial loyalty of Canada, Australia, and New Zealand would not bear the strain placed upon it. We have seen the relative population of England and the colonies in the eighteenth

[1] *Memoirs*, vol. i, p. 514.

century and how in political, though not social or intellectual development, the American provinces were generations ahead of the Mother Country. Was it not natural that they resented, just as the Dominions of to-day would resent, the assertion of an ascendancy, which the nature of things was in fact rendering obsolete? English statesmen of the time had not the imagination to contemplate an empire consisting of component parts, each in its way retaining complete local self-government. To them the choice lay between the policy of George Grenville and his successors; a return to the *status quo* before the introduction of that policy; some kind of clumsy federation or complete separation. George Grenville's policy, as we have seen, was to obtain the financial support, which the Americans had carefully shirked, by tightening the bridle of legislative authority. His conduct resembled that of a rider, whose remedy for the restiveness of a young horse should be merely to ride him on the curb. In such a case a tussle will take place between the horse and the rider; and it is not always the rider who wins. We have seen how, apart from the danger of the policy, the moment chosen for the assertion of imperial rights was singularly inopportune. The Americans, at last, slept secure from the menace of the French peril; and, being no longer in need of British assistance, were naturally full of their own self-sufficiency. It matters little that their reading of the past history may have been wrong; and we need not assent to their view that Great Britain had been merely fighting its own battles in America; or that the credit of the victory had been mainly their own. In any case he must be a singularly foolish statesman who builds his political edifice on the foundations of human gratitude; and George Grenville ought to have known very well that the assertion of British claims would excite fierce resentment and that in such circumstances the game was not worth the candle.

The weakness, perhaps, of both Burke and Chatham was that

these great men looked at the matter from a somewhat narrow standpoint. Burke looked upon it as a pawn in the game of English party politics. He honestly believed that Whig administration meant salvation to the American colonies, and that disaster was bound up with the triumph of the other great English party. It gave an additional gloom to a situation already black enough that Burke's great speeches on American taxation and on conciliation, which we now read with awe and wonder at the profundity of their thought and the splendour of their language, at the time did more harm than good. They converted no one in England; and both in England and America they helped to prevent men recognizing the real issue which was more clearly seen by men of less intelligence and vision. Of Chatham it may be said with truth that he lived in the past; that the Americans of whom he thought were the people who had responded to his call to join in the crusade against the French; and that he wholly failed to realize the pace at which things had been travelling, since he had laid down the direction of the helm in his war ministry. There is nothing, I think, to point to the conclusion that, unless a wholly new spirit had been introduced into British policy, the mere return to the *status quo* before the Peace of Paris would have brought any lasting settlement. Of peaceful separation, so far as I know, the only advocate was Dean Tucker. What strikes one in reading his Tracts is their extreme good sense and their complete absence of imagination. Given the empire of the day, there was much to be said for peaceful separation. A far-seeing man might recognize that war would equally end in separation; but after great sacrifice of life and money, and with feelings of bitterness left behind, such as otherwise might have been absent.

But was it beyond the ken of the imagination of the day to conceive of a better kind of empire, which should not carry within it the seeds of its own dissolution? It is to the credit

of Benjamin Franklin that he, almost alone of the men of his time, seems to have conceived of a British Empire in which there should be the equality on which we have laid emphasis. Tucker threw cheap ridicule on the notion that the capital of the British Empire might come to be at Philadelphia or New York; but the suggestion conveyed the very truth which we are all now coming to recognize, that if the British Empire is to consist of the deliberate union of free self-governing communities, no one portion of it can claim superiority, except by superiority of population, of wealth, and of sacrifice for the objects of such union. Hitherto in all these respects Great Britain still stands pre-eminent; but we all recognize that, if the whirligig of time brings change in these matters, our pre-eminence will have gone. It was because the men of the eighteenth century were puffed up with a stupid pride and ignorance which forbade their realizing the possibilities of the future, however remote, that the first English Empire, unable to shake itself free from the shackles of a moribund past, came to an unhonoured and irreparable end.

The story with which we have been dealing is not one which any Englishman can recall with pleasure. It has been mainly a story of intellectual mistake and moral wrong-doing; it is then the more consoling that we can close with a more cheerful note. *Sursum corda.* Lift up your hearts. Whatever be our failures and mistakes, they are not those of our eighteenth-century predecessors. Whatever be the future of that marvellous commonwealth of nations we call the British Empire, it will not fall to pieces because the selfish greed of this central member of it seeks to exploit its strength and resources for her own private interests and advantage. Heaven knows we have suffered enough for the sins of the past. The splendid vision of an Anglo-Saxon brotherhood, making for the peace and security of the world, has been hitherto darkened and blurred by the unsavoury memories of Anglo-American dislike and

distrust. Perhaps the presence side by side of the United States and Great Britain in the Great War has given us the chance of wiping the slate really clean. Those of us who can do nothing else to further the good cause of Anglo-American sympathy and friendship can at least make sure that neither by word nor by insinuation we foul the waters of past controversy, or allow passion or prejudice to obscure the serenity of our political judgements.

[Note.—Since Chapter I was written Professor Van Tyne, in *The Causes of the War of Independence* (London, Constable & Co., 1922), has admirably brought out the conflicting theories of representation held in Great Britain and in America. Of especial value is the chapter on 'American versus English ideas of the British Constitution'. The doctrine of the absolute power of Parliament was not accepted in England before the eighteenth century; and the colonists continued to cherish the seventeenth-century belief that there was a natural law, to the dictates of which Parliament itself must give obedience. The Americans came to recognize that such natural law required for its enforcement written constitutions. 'In these two concepts one detects the main difference between English governmental ideas and those underlying principles which furnish the basis of the Constitution of the United States. In England all political power is in the hands of Government, though the Ministry which wields that power is easily overthrown by a dissatisfied people. In America, with its written constitutions and judicial review, all government is of limited authority, though its agents are not so quickly or easily displaced, when not obedient to the will of the people. Each system has its merits, each its disadvantages. These were the ultimate ends to which differing ideals were carrying two great peoples, but the immediate result of these diverging opinions was alienation and war.' (pp. 235–6).]

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